

2nd April 1953] [Sri S. B. P. Pattabhi Rama Rao]

tell the hon. Member that it does not arise here. When the General Sales Tax Act is being amended, I shall certainly bear the suggestion of the hon. Member. Sir, with these words, I commend my motion to the acceptance of the House."

MR. SPEAKER :—" I shall now put the motion to the vote the House. The question is—

' That the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the *Fort St. George Gazette*, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5), of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved.

Draft amendment (1) (ii) relating to item (cc) in rule 4 (3) shall come into force on the 1st April 1953.

DRAFT AMENDMENTS.

[Vide pages 755-758 supra.] "

The motion was put and carried.

(3) REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS FOR 1948-49.

* THE HON SRI C. SUBRAMANIAM :—" It is agreed that this item may be taken up as the last item in this session. So, the next item on the Agenda may be taken up now."

III.—GOVERNMENT BILLS—Cont.

(2) THE MALABAR TENANCY (AMENDMENT) BILL, 1953.

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Mr. Speaker Sir, . . ."

SRI T. C. NARAYANA NAMBIAR :—" Sir, on a point of order. Rule 70 (1) of the Madras Legislative Assembly Rules says—

' 79. (1) At any time after the expiry of six days from the publication of a Bill in the Gazette, the member-in-charge of the Bill may make one of the following motions in regard to his Bill, namely :—

"(a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified; or . . . "

I am also aware of rule 115 under which the Hon. Speaker can waive the period of notice. But this is not mandatory. It is left to the discretion of the Hon. Speaker. My submission is that in view of the fact that we had no time to study the Bill and in

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view of the fact that the Bill is not satisfactory, I request you to use your discretion and not allow the Government to move this Bill to-day."

MR. SPEAKER :—" The motion is only for setting up a Joint Select Committee."

SRI T. C. NARAYANA NAMBIAR :—" Even then the principles of the Bill will have to be discussed."

MR. SPEAKER :—" The hon. Member will have ample time to discuss it in the Joint Select Committee. The Hon. Minister will now move his motion."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, I beg to introduce the Malabar Tenancy (Amendment) Bill, 1953, and move—

' That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953, and that the following Members of the Assembly be nominated as Members of the Joint Select Committee :—

The Hon. Sri K. P. Kuttikrishnan Nair.

.. C. Subramaniam.

.. M. A. Manickavelu Naicker.

Sri N. Gopala Menon.

.. A. Appu.

.. E. K. Sankaravarma Raja.

.. Y. Manjaya Shetty.

.. K. Rajaram.

.. T. N. Venkatasubba Reddi.

.. V. R. Nagarajan.

.. V. Balakrishnan.

.. C. H. Kanaran.

.. T. C. Narayanan Nambiar.

.. V. R. Krishna Ayyar.

.. P. Ramamurthi.

.. K. M. Seethi.'

In moving this Bill I would like to give a brief outline of some of the important land-marks in the history of Tenancy Legislation in Malabar.

" A measure to protect the interests of the tenants of Malabar was first passed in 1887. The provisions of that Act with considerable amendments were subsequently embodied in the Malabar Compensation for Tenants Improvements Act, 1889, which

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continues to be in force even now, and assures to the tenants compensation for their improvements in the event of eviction.

" The above enactment however did not impose any check on evictions and agitation for a more comprehensive piece of legislation continued. The Malabar Tenancy Act, 1929, was the outcome of this agitation. It provided for the fixation of fair rent in the case of cultivating verumpattamdars and cultivating kuzhikanamdars. It restricted the grounds for eviction and fixed the rate of renewal fees. It also nullified the effects of 'melcharth' by which the landlord could transfer a part of his interest in any land held by his tenant which entitled the transferee to evict such tenant, one of the condemned practices in Malabar.

" As certain defects were noticed in the working of the Act, the Government appointed the Malabar Tenancy Committee in 1939 to study matters on the spot and make suggestions. Meantime, the Government felt that certain amount of relief was necessary in the case of evictions and so Act XXIV of 1945 was passed by which eviction was restricted further. Prior to this a minor amendment to section 51 was also enacted in the same year.

" The agrarian unrest continued in Malabar and as a result the report of the Malabar Tenancy Committee referred to above was taken up by Government for examination, and after consideration of it, an extensive legislation on land tenure in Malabar was undertaken. A Joint Select Committee of both the Houses went into the question in detail and toured extensively the whole of Malabar and portions of South Kanara to study the problems. After a careful consideration of all the facts the amending Act of 1951 was passed.

" The main features of the Amending Act of 1951 were that it provided for the fixation of fair rent in respect of all wet and garden holdings including kudiyiruppus, ulkudis, and kudikidappus. It also contemplated the preparation of a record of rights in respect of all the holdings in Malabar for which fair rent was fixed. This was an undertaking which involved much labour, time and money. It required the co-operation and support of both landlords and tenants in its work. A Rent Settlement staff was employed as soon as the Act came into force, viz., 15-3-1952, but there was dissatisfaction as to the working of this machinery because people were afraid that undue delay and unnecessary expenses would result in implementing this scheme.

" After an assessment of all the factors involved, the Government came to the conclusion that even though the fixation of fair rents of all the holdings was scientific, considering the other aspects, it was better that a less complicated and speedy machinery was devised. As a result of that, the Rent Settlement staff was disbanded in August 1952. There is still dissatisfaction among the people regarding the other provisions of the Act. The

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Government have received memoranda from various interests in land from Malabar and after a careful consideration, they have now decided to bring this Bill.

“ The Government consider that, in view of the fact that the Amending Act of 1951 came into force only from 15th March 1952 and without giving a fair trial to the Act, it would be premature to revise all the important sections.

“ Under this Bill, the fair rents will be fixed by Rent Courts presided over by Revenue Divisional Officers. The fair rent determined can be revised after 12 years as the Government consider that the existing period of 20 years is too long. Fair rent will be fixed only in cases where there is dispute and either the landlord or the tenant can apply. The landlord can apply only after the expiry of three years from the date of passing of the Bill. The tenant is also given right to get the rent revised within that 12-year period for sufficient cause.

“ As a result of the above modifications, this Bill amends section 28 so as to indicate what the rent payable will be if the fair rent is not determined.

“ The Bill also provides that if a cultivating tenant is to be evicted for *bona fide* cultivation by the landlord, the tenant should be given one year's net income which he secures from the land, over and above the amount he is entitled to get under the existing law.

“ Fort Cochin is a small town with a large population and a good portion of the people are living in what are called kudikidappus. The Amending Act of 1951 gave certain concessions to the holders of kudikidappus in Fort Cochin. Representations have been received that similar concessions should be granted in other places also. The situation in Fort Cochin is different from that prevailing in other areas. The Government have, however, provided in the present Bill that ulkudi-holders outside Fort Cochin should not be evicted unless alternative sites are offered in the same village or without the giving of three full years' notice.

“ As regards fair rent for dry lands on which pepper is cultivated as the principal crop, provision has been made in this Bill for giving as tenant's share one more year's produce. Provision is also made in the Bill for the landlord and the tenant to agree by a registered deed to pay as rent not more than 1/6th of the pepper produce every year.

“ The operation of sections 54 and 55 of the Amending Act of 1951 and the Madras Tenants and Ryots Protection Act has held up the trial of about 20,000 suits as they have been stayed by the provisions of the above two Acts. This Bill further seeks to repeal the sections and the Act referred to above for a speedy disposal of all the stayed suits.

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" The other provisions in the Act which are explained in the Statement of Objects and Reasons do not call for any special comments. The Bill will, no doubt, be examined by the Joint Select Committee in all its aspects and any suggestions which the hon. Members may have to offer, will, I am sure, be of great use to the Committee in its deliberations.

" Sir, I am sorry to state that the hon. Member Dr. K. B. Menon and other hon. Members of his Party are not willing to serve on the Joint Select Committee. But I can assure the House that all the representations that they may have to make will be heard by the Joint Select Committee and that the Government will try their level best to adapt the provisions of the Bill according to the wishes of the majority of the people of Malabar.

" I request the House, Sir, to accept my motion."

MR. SPEAKER :—" Motion moved—

' That the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953, and that the following Members of the Assembly be nominated as Members of the Joint Select Committee :—

The Hon. Sri K. P. Kuttikrishnan Nair,
 „ C. Subramaniam,
 „ M. A. Manickavelu Naicker,
 Sri N. Gopala Menon,
 „ A. Appu,
 „ E. K. Sankara Varma Raja,
 „ Y. Manjaya Shetty,
 „ K. Rajaram,
 „ T. N. Venkatasubba Reddi,
 „ V. R. Nagarajan,
 „ V. Balakrishnan,
 „ C. H. Kanaran,
 „ T. C. Narayanan Nambiar,
 „ V. R. Krishna Ayyar,
 „ P. Ramamurthi, and
 „ K. M. Seethi.' "

SRI P. K. GOPALAKRISHNAN :—" Sir, I move—

' That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion.' "

The amendment was duly seconded.

* DR. K. B. MENON :—" Sir, I wish to make a very small statement about the Praja Socialist Party not serving on the Select

[Dr. K. B. Menon]

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Committee. I believe that very little purpose will be served by referring this Bill to a Joint Select Committee. The Government are aware of the grave situation created in Malabar not only by the deep resentment against the Bill but because of the flood of evictions and the stay orders that came in its wake. The Government received memoranda protesting against the Act from all the political parties including the Congress and subsequently, realising perhaps the gravity of the situation, the Hon. Minister called an informal group meeting of the Members from Malabar and we had a heart-to-heart talk over a cup of tea. We were very hopeful after that discussion that the Bill introduced by the Government would be acceptable. On the other hand, we find that it is very reactionary and that it is kind to the landlord but very cruel to the tenant. If we had been convinced that it was innocence or ignorance that induced the Government to introduce this Bill, we would have had no objection in co-operating with the Joint Select Committee. But we feel that by serving on the Joint Select Committee we will not be able to do very much. So, when the Bill comes up for general discussion, we shall avail of the opportunity and say whatever we wish to say then. Thank you, Sir."

* SRI K. P. GOPALAN :—" Sir, I move the following amendment which stands in my name :—

' Add at the end the following :—

" and that representations from various representatives of tenants and other organisations, oral and written, be received and the report be submitted before 31st May 1953."

SRI V. R. KRISHNA AYYAR :—" I second the amendment, Sir."

SRI R. KRISHNAN :—" Sir, I move the following amendment :—

' Add, at the end of the motion the words " including all Malabar M.L.As. and M.L.Cs." ' "

The amendment was duly seconded.

SRI T. C. NARAYANA NAMBIAR :—" Sir, I move the following amendment which stands in my name :—

' That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion especially from the people of Malabar and from those of the parts of the Kasargode and Gudalur taluks of South Kanara and Nilgiris districts where the Malabar Tenancy Act is in operation.' "

The amendment was duly seconded.

SRI M. NARAYANA KURUP :—" Sir, I have given notice of an amendment which I personally delivered yesterday to the Assistant Secretary to the Assembly. It reads as follows :—

' Add at the end the words " It shall have power to scrutinise all the sections of the principal Act." ' "

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MR. SPEAKER :—“ It is an amendment not to this Bill but to the original Act. ”

SRI M. NARAYANA KURUP :—“ It is an amendment to the Government motion, Sir. The Government motion is that the Bill be referred to a Joint Select Committee of both the Houses. My amendment is that the Committee shall have power to scrutinise all sections of the principal Act.”

MR. SPEAKER :—“ That means the hon. Member wants the Committee to go through all the provisions of the Act.”

SRI M. NARAYANA KURUP :—“ Sir, here is an amendment to the principal Act. No doubt, if the Bill, as it is before the House, is referred to the Joint Select Committee, it will have power only to look into the sections which are before the House, that is, the subject-matter of the amendment. But, as was done in the case of the Preventive Detention Bill in the Parliament, if the House is pleased to empower the Joint Select Committee to go into all the sections of the principal Act, certainly it can do so. Therefore there is no question of its being ruled out of order.”

10.30
a.m.

MR. SPEAKER :—“ So, the hon. Member wants permission of the House to go into the original Act. If so, he can move his amendment.”

SRI M. NARAYANA KURUP :—“ Yes, Sir, I move—

‘ That the following be added at the end :—

“ It shall have power to scrutinise all the sections of the Principal Act.” ’

The amendment was duly seconded.

SRI V. R. KRISHNA AYYAR :—“ Mr. Speaker, Sir, the Malabar Tenancy Amendment Bill, which was promised for long, as the House will certainly be aware, has at long last been presented to the House. When one looks at the Bill, one is astonished that after all the Governmental mountain in labour has brought forth this legislative mouse. People will certainly be distressed to know that all their expectations have been dashed to the ground and their fears have been fulfilled if they just see or read or scan the present Bill. It is absolutely necessary, even as the Hon. the Law Minister has done, to understand the background in which the agitation for land reform in Malabar has grown and against which the present Bill has got to be understood or analysed. The primary demands of the agrarian population in Malabar for right over a century now have been running along very clear and well-defined lines. As early as 1850 or even earlier than that, there had been considerable agrarian unrest in Malabar when the demands put forward by the agrarian population were protection against rackrenting, protection against insecurity of tenure, protection against feudal levies like *manusham*, that is, renewal fee and protection against the demand that waste lands owned by landlords called *jenmis* should be made available

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for cultivation in spite of being occupied by the tenants as monopoly. These were the primary demands then put forth. Then, as early as 1851—and I go a little earlier than even the Hon. the Law Minister has gone, for he has started with the year 1880—we had one Mr. Strange, who was appointed by the Government to go into the question of the agrarian unrest in Malabar and make a report. He submitted his report which, just like the reports which are submitted now, hybernated for long. Then, as late as 1880, one Mr. Logan was asked to make a report on the same subject because the agrarian unrest became more profound and deep and discontent among the agricultural population was rising. He knocked at the bottom of the theory of the divine right of the jenmi to the land. It may be interesting for friends from other districts to know about the landlord having absolute right in Malabar to the land. According to this particular local theory, if I may euphemistically put it, the jenmi is almost the divine owner of the land, he is the absolute proprietor, the State is not the proprietor of the land, he can exact all that he can from the tenants by virtue of the sacrosanct right he has and all that. Mr. Logan went into the whole matter from a historical point of view and held that it was an untenable right and that the real proprietor was the occupant of the land or the cultivator. But, notwithstanding his view, it did not commend itself to local authorities and the Government did not implement his recommendations. I must also point out that we are still in the days of Mr. Logan's report which pointed out that rackrenting was extant and should be prevented by adequate legislation. He also said that occupancy rights were not conferred upon the tenants and everywhere tenants were harassed and oppressed by eviction suits and urged that protection should be given against oppressive measures. He further contended that waste lands belonging to jenmis and even private lands should be given on lease. These recommendations, although they were scintillating, were really ameliorative of the conditions of the agricultural population. At that time they were not paid heed to and the report also hybernated for long.

[At this stage Mr. Deputy Speaker occupied the Chair.]

“Then came the Madhava Rao Commission and his report in 1913. Coming to modern history, Sir Charles Innes, who later became a Judge, was the Collector of Malabar and he also supported the theory of security of tenure for tenants and confirmed the view that the landlords of Malabar were of an oppressive type. Then the War came and nothing happened so that we can now go into what is called the Malabar Compensation for Tenants Improvements Act which came into force later. It was a very mild measure and just assured some kind of compensation to the tenant when he was being elbowed or bundled out. It gave some sort of an illusory protection to the tenants with the result the agrarian unrest again continued. When the new Legislative Council was formed in the year 1920, Sir M. Krishnan Nair introduced a Bill and got it passed by the Council. But the Governor withheld his consent. There were reactionaries living then and

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unfortunately we have not got rid of that reactionarism even now under the new Republican Constitution. And now the new measure suggested is hardly progressive since it does not cut at the root of centuries—old reactionary practices. It does not meet the demands and aspirations of the Malabar people and it is most primitive in its scope. Sir, as I said, the Governor withheld his consent. Then, in the year 1929, came the Raghavayya Committee which went into the matter. There was a report prepared on the occasion and an enactment was passed in 1929. Unquestionably, this measure marked a milestone in the march of the ryots of Malabar towards better living conditions. However, at the same time, it should be said, the actual cultivator did not obtain any relief by the Act of 1929. I shall explain how. The measure no doubt sought to give to the tenants such benefits as fair rent, for instance, and this was the first time that the idea of fixing fair rent was mooted. But the formula adopted in the 1929 Act for arriving at the fair rent was hardly satisfactory because it was very much against the tenant. There was another idea which germinated from it and that was the fixity of tenure. The concept of security of tenure or occupancy right for the tenant meant relief from the oppressive and harassing landlords—jenmis—who resorted to eviction suits. Here also what was done was a series of conditions governed the conferment of such a right just as in the Constitution the Articles relating to Fundamental Rights are hedged in by so many clauses which sometimes take away or whittle down the effect of the Fundamental Right. Similarly, a kind of right was given to the tenants by way of security of tenure but a number of conditions were laid down under which only a suit for eviction could lie. These took away the effect of the provision conferring the right. Under the 1929 Act, a landlord could go to the Court and tell the Court that he required the whole land for his own cultivation. In that way he could evict a tenant. This was an easy device. The landlord came, filed a suit, entered the box and said: 'I require the land for my own cultivation.' Who could say he is dishonest? And the Court said: 'I see no reason why I should disbelieve the man. I pass a decree for eviction.' This menace grew in such a large proportion that thousands of suits were filed when the War came and the price of agricultural land went up. During the War we did not have any democratic Government, no Assembly functioned and the people's voice could not be heard directly by the Government. However, a District Judge at the time—that is, during the Advisory regime under Section 93 of the Government of India Act—drew the attention of the High Court to the menace of the ever-increasing evictions and the High Court in its turn drew the attention of the Government. It is really worthwhile to remember that this Advisory regime under Section 93 did pay heed to the advice of the High Court and brought in the amending legislation of 1945. Under this Act, mere requirement for the land by the landlord was not sufficient and he was required to establish the need for the same. However, even this did not really protect the tenant against eviction. Eviction suits continued to increase in number.

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The rents levied by the landlords were exacting and exorbitant and people were oppressed by the feudal levies like *manusham* or renewal fees. This was persisted in under the law. Many of the actual cultivators and practising lawyers know the difficulties that followed this Act so far as tenants were concerned. The word 'tenant' might mean anything—the cultivator, an intermediary or anyone else. But the actual tiller of the soil, the man who actually cultivated the land and the man who had his feet on the land and who tilled and raised crops on the land hardly got any protection under the 1929 Act. The position was the same even under the Amendment Act of 1945.

10-46
a.m. " Although it must be stated that there was some kind of concession granted to the tenants after the Amendment Act of 1945, agitation continued because the ryots felt that the lion's share of the produce went to the landlords. As a result of this agitation political parties in 1946, during the election campaign promised all kinds of things. It might be that promises are made freely during election times. But the Kerala Provincial Congress Committee appointed a committee in 1946 or 1947 to go into the question of land reform in Malabar. That Committee submitted a report. A leading Member of that Sub-Committee happens to be a District Judge now. That Committee cannot be said to be a revolutionary Committee. That committee submitted a very conservative and reasonable report. The Committee recommended short term and long term reforms. But I am afraid the amendment contained in the Bill before the House or the Malabar Tenancy Amendment Act, 1951, did not grapple with the problems or bring into force any of the recommendations or even major recommendations of the Kerala Provincial Congress Committee. It is still slumbering in the files of the Congress Committee. The report did not satisfy the aspirations of the tenantry. But at the same time it was a progressive step that was recommended therein and it is therefore a progressive document. I drafted a Bill based on the recommendations of the report, called the Agrarian Relations Bill and gave notice of it to the Hon. Speaker. I believe in due course after the technical hurdles are overcome that Bill may come up before the House. It may be possible to understand this Bill in the light of the other Bill. It may also be possible to see how even elementary reforms have not yet been brought into force. Vast strides are being made in the matter of land reform in other countries and we are going in the reverse direction. The report made by the Kerala Provincial Congress Committee went unheeded. The Government then was certainly a Congress Government. It did not do anything at all to implement the recommendations made in the report.

" Then, Sir, the Kuttikrishna Menon's Committee which went into the question of agrarian reforms in 1938 submitted a report which also was shelved by the Madras Government. No action was taken on that report also. Then a special officer was appointed. The Government have a supreme faith in these special officers and committees in these days. A special officer was

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appointed to go into the report. The special officer also submitted a report in 1947 or 1948. Then came the agitation for agrarian reforms. It became impossible for the Government to resist the demand of the ryots of Malabar and the then Law Minister, a Malayalee, felt the impact of the agitation in Malabar and said he would bring a Bill with substantial changes in the Law of 1929. The Bill as originally published seemed to contain good features, but what actually happened was, in the Select Committee the various attractive provisions that had been there in the Bill were removed and ultimately when it emerged from the Select Committee, was passed into law and placed on the Statute Book, it became very reactionary and people hardly liked it. There was again opposition to the Act and discontent among the ryots in the district. During the recent elections political parties gave definite pledges that substantial changes would be effected in the land tenure Acts. The United Democratic Front published even a booklet in which they said they would oppose the present Act and never permit it to become law and something ameliorative would be substituted in its place. I hope the present Law Minister would still be remembering the reverberation caused in the minds of Malabar ryots regarding the Malabar Tenancy Amendment Act. The objection was not merely in regard to the 'ulkudis.' I am sorry to call these reforms puny, unsatisfactory, trifling and altogether insignificant. The real objections were to the vexatious features of the Act which are sought to be amended by the present Bill. What are they? Let us understand what the ryots of Malabar have been clamouring for. In that light only we have to see what the present Bill promises to them. The main objection to the Act of 1951 or as amended by the Amendment Act was that the rents were still high and the people wanted that this exorbitant rent should be reduced. The Malabar Tenancy Act did not satisfy the demand of the ryots. What happened was that two-thirds of the produce was to be given to the landlord. Hon. Members of the House should remember that lands in Malabar are not as fertile as lands in other districts such as Tanjore and others. The lands there are very poor and there is no water-supply at all in Malabar. Through the hard labour of the tenants alone that something worthwhile could be produced from the lands in Malabar. They have also nothing to invest on agriculture. According to the Act of 1929 two-thirds of the share of the produce went to the landlord, a lion's share, an unjust share. People objected to it. The Malabar Tenancy Act seemed to promise some kind of relief by reducing the share of the landlord to half the produce. But as the Bill finally emerged from the Select Committee it was stated that the landlord would get half the share of the produce from the wet lands but the tenants should pay half the land revenue. Ultimately when calculated it was found that the original two-thirds of the produce for the landlord was arrived at by a different method. Therefore there was no benefit at all for the tenants. People expected much. They asked for substantial reduction of the rent. But the amendment Act did not give them that relief. Regarding garden lands, originally the Act gave one-fifth and two-fifths.

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Garden lands were mainly planted with coconut and arecanut trees. The amending Act simply reduced it a little by one-third and one-sixth. This was not much. Not only this. There was an atrocious feature in the 1951 Act which made it repugnant to the ryots of Malabar. What happened was the high prices of the commodities that prevailed after the War were taken into account in fixing fair rents with the result that a man who was paying Rs. 50 before had to pay even Rs. 250 or Rs. 500. The rent was thus not reduced but actually enhanced. That was the effect of the 1951 Act. This was therefore not an ameliorative provision. There was considerable objection to this fair rent provision of the 1951 Act.

“ Then, Sir, there is the question of eviction. In this direction the Malabar Tenancy Act of 1951 did not give much to the tenants. Even the 1945 amendment enacted during the Advisers regime gave something. Nothing more than that was given in the later Act except that certain restrictions were put upon Sthanis. When certain charitable institutions evicted tenants from their holdings they were prevented from doing it. That did not very much affect the problem, although it did give some relief. The demand of the tenants was that they must be given absolute immunity from eviction. We can understand that no tenant, no agriculturist would be interested in producing more, even though we might cry hoarse, ‘ Grow More Food ’, ‘ key up production potential ’—very fine phrases indeed given out always when there is some opening ceremony or festive occasions. No cultivator would be willing to sink his labour and money on the land unless he is certain that for what he gives by way of labour and money he will get a substantial proportion by way of his share in the produce and continue to get that for ever and ever for his children and for his grandchildren. But what happened was a lion’s share was taken by the landlord. There was no security of tenure for the tenant. If the tenant happened to grow coconut, only ten years hence the area becomes a fine garden. Then the landlord takes a fancy for the land and requires it for his own cultivation and files a suit for the eviction of the tenant. Would any tenant be inclined to improve the land or to grow more coconut trees or manure the soil, or improve the production if he is not to share the produce and the land is not to continue under his possession? It is almost fundamental that he should have security of tenure. This must be conferred upon him. This was not done under the 1951 Act. Except in a small measure, we continued the provisions of the Act of 1945 which was passed by the Advisers regime. One of the objectionable features of the 1951 Act was that the people’s demand for security of tenure, for occupancy rights and absolute immunity from eviction was not conceded.

“ The other thing was that the people really wanted that waste lands in Malabar must be distributed to landless poor labourers and other agriculturists who did not have lands to cultivate. In Malabar unlike in other districts, waste lands are substantially owned by private landlords and not by Government. Thousands and

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thousands of acres of waste lands belong to jenmis. They are arable waste lands. Sir, some months ago the Hon. the Revenue Minister answered an interpellation of mine and said that there are about 18 lakhs of acres of waste lands in Malabar. Out of this a substantial portion really belongs to the jenmis. They are not allowed to be cultivated and therefore there is any amount of fugitive cultivation. One of the main agitations since 1931 was that the waste lands belonging to the landlords, which were arable should be put to cultivation and leases granted by a Governmental agency to tenants. This was not completely implemented in the 1951 Act. It was only taken note of in the 1951 Act, in that it was stated that the Government would notify the implementation of section 52-B of the Malabar Tenancy Act which provides for the improvement of waste lands. Although this Government came into power about a year ago, still no steps have been taken to give one cent of waste land to a cultivator yet. And this is proof of their bona fides, if I may be pardoned to say so, in implementing the provision. Waste lands have got to be given to the poor landless labourers. That has not been done. People have been clamouring for it and they have been clamouring for the implementation of the provisions of the 1951 Act.

10-50
a.m.

“ It is better if some kind of machinery is created to end the diarchy in land in Malabar. It has always been stated by the tenants, as I said even as early as 1880 also, that they are the real cultivating owners of the land, that the kanamdars or jenmis are super-imposed and are non-existing and that the Government are expropriating the land by giving absolute proprietorship to the kanamdars or jenmis. In 1938 this matter came up for examination by the Kuttikrishna Menon Committee and the questionnaire covered this particular point whether the jenmi system or landlord system should not be abolished and whether it had not outlived its utility in Malabar and whether the right of a jenmi was so sacrosanct as not to be abolished. I do not know the general opinion. But certainly certain dissenting minutes to the Kuttikrishna Menon Committee Report said that the landlord or jenmi system must be abolished in Malabar. It is a longstanding struggle between the landlord and the tenant, the landlord saying that the tenant is not giving the rent and the tenant saying that the landlord is trying to take more rent. Therefore, this system of diarchy in land in Malabar should be ended.

“ In Malabar, there is another peculiarity. There is a pyramid or chain of intermediaries, each one of them just taking some more rent from the lower man and passing it on to the top pyramid. There are four or five intermediaries between the actual cultivator and the topmost jenmi who is like a coping-stone, if I may say so. The actual cultivator is overburdened by persons who really have nothing to do with agriculture. Almost all the political parties have been agitating for the abolition of this system of intermediaries. Yet there is really no provision in the 1951 Amending Act for the abolition of the system of landlords or jenmis. The jenmi system must be abolished. Sir, these are the primary

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demands that have been put forward by the ryots of Malabar all through: (1) that the system of landlords or jenmis must be abolished, (2) that there should be fixity of tenure and absolute security from eviction, (3) that waste lands should be given over to the landless labourers, and (4) that there must be some machinery for giving compensation according to the Constitution. Compensation should be paid if we take away the rights. Therefore, let us start peasant proprietorship first in Malabar which is the sign-post of this State. Let it be known that Madras State is the first in the country to introduce peasant proprietorship. Sir, these are the primary demands. But I may describe the present measure as a legislative mouse of the Government mountain in labour. The Bill that has been brought forward is altogether jejune, and retrograde. In fact the amending Bill was opposed tooth and nail by all the political parties except perhaps the Congress which was rather silent because it was diffident in the last elections. To-day we find, after 1½ years, after so much promise that they were considering the matter and after so much agitation, the Government have at long last produced a piece of legislation which is hardly a credit to the author and I must be pardoned for saying so. It contains provisions which are positively retrograde in certain respects and hardly progressive in others.

“In regard to fixing of fair rent also, nothing has been done. What has been done is to correct a verbal mistake, that too in respect of pepper cultivation. There was a demand that it should not be one-fifth of the pepper produce, but it should be one-sixth. Everywhere it was only one-sixth. But in the 1951 Act, it was stated as one-fifth instead of one-sixth. The demand of the people is far high. As against one-tenth, one-fifth has been corrected into one-sixth. This is only a correction and not an amendment. It is not ameliorative. It is only a correction of a verbal mistake. Fixation of fair rent has been one of the main demands all along. There has been so much of promise, but nothing has been done. Even in regard to fixity of tenure, I am sorry to say, the Malabar Tenancy Legislation has been altogether ignored. Sections 14 and 20 deal with evictions and nothing has been done. Lest it should be stated that nothing has been done, the Hon. Law Minister stated that one year's net produce, i.e., fair rent minus the revenue, will be paid to the tenant when he is bundled out of the land. That is not what the people wanted. What they wanted is security of tenure so that the gross produce in the land may be increased. Therefore, what I want to say is that sections 14 and 20 dealing with evictions have been left untouched. Therefore I say it is really by-passing the fundamental demand of the agriculturists. In the 1951 Act there is a provision that those who want to file eviction suits in respect of fixity of tenure, must file suits within one year from the date when the Act comes into force. The Act came into force on the 15th March 1952 and so all the eviction suits must be filed before the 15th March 1953. A very curious and tragic spectacle is that all the lawyers' offices in Malabar are overcrowded. One lawyer was telling me that he

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had already received 70 suits on the 14th March 1953. Another lawyer told me that he had been filing 50 suits a day for the previous ten days. In all about 4,000 suits had been filed in about three weeks' time in one district of Malabar. If the Government's policy is 'let sleeping dogs lie', it is a different matter. It is really a great injustice to the tenants. Is it the feeling of the Government that no protection is required for the tenants? Is it their idea that many of the 4,000 suits will be dismissed under the present law? It is hardly a solution of the problem, because if a tenant is disturbed from his normal life, if he is dragged to the munsif's court and to the sub-court and to the other higher courts, that is undoing his security, especially because the tenant is the weaker party and he can hardly afford the luxury of litigation. This is a case where the primary demand of the people of Malabar for a fixed tenure has been ignored by the Hon. Law Minister and that too in spite of the tremendous amount of litigation that has been instituted for the eviction of tenants.

11
a.m

"Coming to the third important provision, viz., the machinery for the distribution of waste lands, I submit there is no machinery actually at all."

SRI A. RAMASWAMI THEVAR :—"On a point of order, Sir. The hon. Member Mr. Ramaswami is reading a newspaper in the House. Can he read a newspaper when a debate is going on?"

SRI V. R. KRISHNA AYYAR :—"Sir, Mr. Ramaswami must have found so very little in this Bill that he has thought it fit to be looking into the newspaper. But to continue my point where I left it.

"My point is: there are thousands and thousands of acres of waste lands, lakhs of acres, which remain to be cultivated in Malabar. Malabar is a deficit district, and what is mainly wanted is more and more production of foodgrains; and if in this time of crisis, of stress and of pressure of events, the Government do not create a good and strong machinery for the distribution of waste lands to the poor people, to the agriculturists and to others who are willing to bring them under cultivation, I should submit it is a pity. This Bill which does not take note of all these longstanding demands is most unsatisfactory also in this, one of its fundamental features.

"Lastly, in regard to the diarchy of the landlord and tenant on land, nothing has been done. What all is provided here is a few provisions here and there which are against the interests of the tenants as a whole. Take, for instance, the *ulkudi*. *Ulkudi* means a place where a Harijan agricultural labourer puts up a small humble hut in a site given by the landlord and belonging to the landlord, for his living, because he is employed by the landlord on serfdom terms to work on his land. Under the 1951 Act, what was done was to make a provision that these people who could be evicted in a period of three years, would have permanency of occupancy

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if the Government notified that area, and the ulkudidar could continue on the land. As I said, most of the ulkudidars are Harijans and I suppose most of the Harijan Members of the House will join me in protesting against the eviction of these poor people. What is done is generally to send a registered notice to the ulkudidar. Now, a Harijan may not know what a registered post is; he may throw away the notice, and the landlord may therefore bring up a suit against him after some time and drive him out of the ulkudi. One of the major provisions in this Bill, if I may be pardoned for saying so, is the cheap and attractive provision that rent settlement officers would be abolished and there would be rent courts in their place. Sir, this is a seeming attraction, because I know formerly there was considerable objection from various political parties to the existence of these rent settlement officers and it was stated that they were doing quite a lot of harm to the people of Malabar. It was of course partly true and partly wrong. The first real objection was that these officers were fixing fair rent after a very elaborate procedure of arithmetical calculation and after taking into account all kinds of considerations, relevant and irrelevant, with the result that ultimately the rent fixed was almost always higher than the fair rent. But the second and more real complaint against them was that most of them were drawn from places outside Malabar. Even the Hon. Minister agreed that it is a sort of Chinese puzzle, that we have in Malabar to-day many Deputy Collectors who are dealing with cases on the magisterial side, drawn from districts like Tirunelveli and Madurai or from the Telugu area who cannot speak or understand Malayalam and who when asked to say what is a 'verumpattam' or a 'kuzhikanam' always say something wrong and unsatisfactory. People naturally were not satisfied with such a state of things and because they were not enamoured of the personnel, they became dissatisfied and did not want such officers. There are several cases where the feudal landlords are so big and so powerful and so oppressive that even a tenant who has come ready to apply to the law court will be afraid of doing so. For instance, there is the House Rent Control Act; I know most people in Malabar are paying to-day double and treble the amount of fair rent that may be fixed under the Act. They do not want to negotiate with the landlord; persons who are the weaker party to the contract and who feel the possibility of oppression naturally are under the apprehension that the landlord if antagonized and enraged, may do harm and drag them to the courts in a long-drawn-out litigation. In such cases, as in the case of the factory laws where compulsory benefit is given to the weaker party, we must provide for compulsory benefits to the poor tenants. Again, it is not as if there must always be compulsory fixation of rent. In the working of the 1951 Act, when fair rents were fixed, it was found they were far higher than the contract rent. What I submit is, wherever the contract rent is lower than the fair rent, it is but elementary justice that we should give the benefit of the contract to the tenant, and so, either the contract rent or the fair rent, whichever is less, should be adopted. Somehow or other, this does not seem to be acceptable to the Hon. Minister. He says, 'we

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must have rent courts'. We have in Malabar about twenty munsifs' courts and one almost every ten miles and there are a very large number of lawyers attached to them. It may be easy there; but in North Malabar the position is quite different. If a man has got to go to Tellicherry from a place in the interior, he will have to travel ten or fifteen miles and so he charges more with the result that the tenant finds himself unable to cope up with such kind of litigation and after all, the rent court which might have a superficial appeal in principle, may not be helpful in undoing the high rent. That is why I suggest that contract rent or fair rent, whichever is less, should be made payable. If courts are at all to be given powers, I suggest it is better that civil courts and not Revenue Divisional Officers are given such powers, because these officers have very little experience of civil law, and more especially of a very complicated law as the Malabar Tenancy Act.

"As regards the jenmi system, nothing has been done in this Bill. The proposed Bill therefore is something which I consider as very obnoxious, every inch of it. It is hardly satisfactory in any one respect even; it defeats the aspirations of the people of Malabar and it is my duty and privilege, if I may say so, to oppose it. But I must not stop with saying that. Dr. K. B. Menon has explained already that he opposed it and his party also opposed it, perhaps more vehemently than anybody else or any other party. I wish however to make it clear that while I and certain members of my ilk have consented to serve on the Select Committee, our position should be definitely understood. I shall oppose this Bill inside the Select Committee as I do now, and after gathering necessary evidence I shall try to expose the hollowness of the provisions which are sought to be adopted and imposed on the people of Malabar. I do not accept this Bill or the principle of this Bill or the adequacy of this Bill. When I say that I consent to be a Member of the Select Committee, I do not commit myself to the principles of this Bill right through. All the same, at every stage, I shall draw the people into the Select Committee, examine them, collect evidence and show up the Bill as altogether unsatisfactory. With these remarks, Sir, I oppose this Bill and hold that it is far, far less than what the Malabar people expect this Ministry to do, after all that has happened."

SRI T. C. NARAYANA NAMBIAR :—"Mr. Deputy Speaker, 11-10
I feel it my privilege to inform the Hon. Minister who has moved a.m.
the motion, as well as my colleagues in the Assmbly, that my party, the Communist Party, does not accept this Bill. We are against this Bill. At the same time, from the very beginning I have to make it clear that though we consented to be members of the Select Committee, it does not mean that we are committed to this Bill or that we will accept it. I wish to say at the outset that the provisions in the Bill are so restricted that the people of Malabar will never accept the Bill. That is why the Committee should be authorized specially to go into all the provisions of the Bill and

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make necessary changes to make it acceptable and unless and until that is done, it will be nothing but a betrayal of the verdict of the people and their aspirations.

“ Another point that I have to emphasise on this occasion is this. After all, what is it that the people of Malabar have been fighting for? My friend Mr. Krishna Ayyar has quoted the history of the trials and struggles of the people from the reports of special officers and various documents about which the Government themselves are aware. But it is unfortunate that the Government have not paid any heed to the recommendations of the various committees and commissions that they themselves have constituted. It is surprising that they did not pay heed to the cries and the verdict of the people of Malabar, especially in regard to the amendment of the Act of 1951, at any rate the main issue that was placed before the electorate of Malabar during the last elections. I may say that it was on this issue, and on this issue alone that the Hon. Minister from Malabar was routed—was defeated—in the elections last time.

“ Mr. Deputy Speaker, I wish to say that our peasants, the historic peasantry of Malabar have been fighting—even according to the reports of the Committees set up by the Government of Madras—from 1836 onwards for security of tenure, ulkudi rights, rent reduction, etc. I want to ask whether the Government have granted these things in this Bill? Are the Government contemplating to make suitable amendments so that the peasants will be given a guarantee of security of tenure and that they will be relieved of rack-renting? I do not say that nothing has been given in the Bill. But, what is it that has been given? The Hon. Mr. Madhava Menon, the ex-Minister, wanted the landlords to evict tenants without any reason. Of course, he has also given something to the tenants, but what he wanted to give by one hand has been taken away by the other. In one place in the Act, it is stated, ‘ no suit for eviction of the customary verumpattamdar, kuzhikanamdar or kanamdar shall lie at the instance of the landlord.’ We thought that according to this, the tenant is given security of tenure. But, Sir, the next sentence in it says, ‘ except on the following grounds.’ That means, if you go through these provisions it will be seen clearly that no tenant has got security of tenure and any tenant can be evicted. In fact, it is enough if the landlord on the day of filing the suit, or even the previous day, is convinced that the particular tenant does not recognize his landlordship; he can file a suit against the tenant for eviction. I find that this provision has not been touched in this Bill. As I said in the beginning, something is given. But, what is that something? According to section 5 which seeks to amend the Act of 1951, the tenant will not be given anything. Now, it is claimed that one year's compensation is being given to the tenant. What is that one year's compensation? I have worked it out last night. After all it will come to Rs. 50. That is what I infer. The hon. Mr. Madhava Menon, wanted the tenants to be turned out of their holdings and thrown into the streets. But now the Hon. Mr. Kuttikrishnan Nair wants these evicted tenants to go to Benares for which he would give them the railway fare

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of Rs. 50 and the Cabinet of the Hon. Sri Rajagopalachari, who is god-fearing, want the tenants to go to Benares, the famous Kasi. That only means the tenant is not allowed to eke out his living; he has no security of tenure. Kasi is supposed to be a very holy place and a place of pilgrimage. Sir, my humble submission is, as I have already stated, by consenting to serve on the Select Committee of this Bill, I do not commit myself to the principles of this Bill. I want to make that clear even now.

Sir, another point that I have to say is with regard to the constitution of the committee itself. In connexion with the original Bill the Select Committee was formed consisting of all the members from Malabar. So, Mr. Deputy Speaker, I want to draw the attention of the Hon. Law Minister and the Chief Minister to this fact. Why is it that only four members from the Ministerial party have been selected? Of course, I do not say that they should not be there. They should also be there, because they are also Malayalees and I am sure the glorious tenants of Malabar, the peasantry of Malabar, the united peasantry of Malabar, the democratic peasantry of Malabar would like to see that all the 30 members from Malabar including the Hon. Mr. Kuttikrishnan Nair will put up a united stand and say that this Bill does not satisfy the aspirations, the wishes and the desires of the peasantry of Malabar. So, Sir, my submission is that all the Malabar M.L.As. will have to be on the Select Committee.

(At this stage Mr. Speaker resumed the Chair.)

“Mr. Speaker, Sir, I am, of course, aware that the constitutional issue will be raised, because according to the rules only 25 members could be the maximum. I say, Sir, that if necessary the rule can be amended. But, what I say is that in addition to the four members from Malabar on the Congress benches, all the members of the Praja Party, Socialist Party and the Communist Party, the members of the Muslim League and all members from Malabar can be constituted into a committee, so that we may all discuss the whole matter and see that the long cherished goal of the peasantry is achieved. We do not want anything to be done here and now against the constitution. But, even according to the constitution, we can do a lot if the Ministry want to do it. There is no use of mere words and lip-sympathy and if they want to do anything it has to be done here and now. I therefore request the Government to consider this aspect very seriously.”

MR. SPEAKER:—“Before I call other hon. Members to speak, I want to inform the House that there will be no afternoon session to-day. The Government will provide some other day for non-official business.”

THE HON. SRI C. RAJAGOPALACHARI:—“At the end of this sitting.”

* SRI P. K. GOPALAKRISHNAN:—“Mr. Speaker, Sir, I ¹¹⁻²⁰ consider this Bill a retrograde piece of legislation. It had been ^{a.m.} the long-cherished demand of the people of Malabar that there should be security of tenure for the tenants. Another demand of

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the tenants of Malabar is the reduction of rent. Both these demands of the tenants are not met by this amending Bill. The provision for the eviction of tenants in the principal Act, namely, sections 14 and 20, is not amended by the amending Bill. Sections 14 and 20 in the principal Act have been the main targets of attack by the kisans of Malabar. The tenants have been demanding that these two sections should be thoroughly revised so that every tenant would have security of tenure and peace of mind to cultivate the land that he had been cultivating for long, and that he would have an abode for himself. This amending Bill does not in any way affect the old provisions, which are placing the tenants at the mercy of the landlords. There are one hundred and one ways by which the landlords can evict their tenants. If we go through sections 14 and 20 of the principal Act, we will find that no tenant in Malabar will fall outside the scope of eviction under these two sections. This amending Bill does not seek to amend those sections in favour of the tenants.

“ In regard to rent reduction also, it had been the longstanding cry of the tenants of Malabar that rack-renting is one of the obstacles standing in the way of the enjoyment of the fruits of their labour. This amending Bill does not in any way reduce rent. Only in regard to pepper vines, the rent is reduced from one-fifth to one-sixth. Whereas the demand of the tenants cultivating pepper is to reduce it to one-tenth, this Bill seeks to reduce it to only one-sixth. This hardly meets the demand of the tenants. In regard to garden lands, wet lands, dry lands, and other lands, there is no reduction in rent. In regard to coconut gardens, I have to say that if this Bill is accepted, the rent will go up to 10 or 20 or even 30 times, because the landlords will be free to go to court and get their rent fixed, namely, fair rent. The fair rent so fixed can be higher than the contract rent. The people of Malabar had been demanding that even if fair rent is fixed, it should not in any case go higher than the contract rent. This Bill provides that the landlord can go to court and get the fair rent fixed. This so-called fair rent will be always higher than the contract rent in the case of coconut gardens. Coconuts are grown mainly in Ponnani and Kurumbranad taluks of Malabar, and in these taluks, I am sure, the fair rent of these coconut gardens will go up, because the contract rent here is fixed on the basis of giving some remuneration to the tenants who cultivate, and also on the basis of the labour they have put in. Under the Act, fair rent will be fixed on the basis of one-third of the gross produce where the coconut trees are planted by the landlord and one-sixth where the coconut trees are planted by the tenants without any reference to the labour put in. This will hardly suffice to meet the cost of labour that the tenants have put in. If this provision is left untouched, the contract rent will be raised by 10 or 20 times. I can definitely say that the rent for coconut gardens in my constituency will definitely go up to 20 or 25 times. There is no doubt about that. After three years, every landlord is free to go to court and get the fair rent fixed. It is only the interest of the landlords that is safeguarded in the Bill.

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"The ulkudi problem mainly concerns Ponnani taluk. About 25 per cent of the population of Ponnani taluk are tenants of ulkudis. 99.9 per cent of Harijans of Ponnani taluk are tenants of ulkudis. These ulkudi tenants will be at the mercy of landlords. Every landlord will be free to evict his tenant after giving him three years' notice. After three years, any ulkudi tenant will have no abode, and he will be driven out into the streets like beggars. As the hon. Member Mr. T. C. Narayanan Nambiar said, they will be sent away to Benares! The landlords will be greatly satisfied with this provision for eviction. And there is no wonder in that. Hon. Members like Gopala Menon welcome this Bill. I saw his statement in the 'Indian Express' welcoming this Bill. It is only people representing landlords' interest who will welcome this Bill. The tenants on the other hand will be driven out of Malabar, and they will have no abode in Malabar. The ulkudi provision is amended a bit, and that has very great significance. The definition of ulkudi in the amending Bill is given as follows:—

" 'Ulkudi' means a hut in any portion of a dry land or garden land in the occupation of a person who has been permitted by the person entitled to possession of such dry land or garden land to occupy the hut and who otherwise has no interest in such dry land or garden land '.

In the old Act, ulkudi was defined as 'any portion of garden land wherein a hut is put up'. There is much difference between the two definitions. This difference in definition is made so that no tenant of ulkudi will have any right to the lands surrounding his hut. He will not be free to raise any vegetables around his hut. He will be deprived of even that right. So, this Bill is a retrograde piece of legislation. This is a reactionary piece of legislation. Twenty-five per cent of the population of Ponnani taluk will be thrown out into the streets, after three years if this Bill becomes law.

"I want to point out two more amendments that have been brought forward. One is the repeal of section 52-A. Sir, I am not here going into the details. This repeal of the entire section 52-A means the eviction of tenants from my constituency. In the whole of Malabar there are tenants of such a kind. Those tenants are there as if they are mortgagees. Section 52-A reads—

'52-A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, any person interested in any land may apply to the rent settlement authority for a declaration that a transaction entered into on or after the 1st January 1916, and purporting to be a mortgage of that land, is not in fact a mortgage, but a transaction by way of kanam-kuzhikanam, kuzhikanam, verumpattam, or other lease, and the decision of the rent settlement authority as to the nature of the transaction shall subject to the provisions of sub-section (2) be final, and the provisions of this Act shall apply accordingly:

Provided that in cases where the amount secured by the mortgage is, in South Malabar less than 60 per cent of the value of the Jenmi's rights in the holding, and in other places less than 40 per cent of the value of such rights, the rent settlement authority shall, until the contrary is proved, presume that the transaction is not one of mortgage.'

This amending Bill does not confine itself to deleting the words 'the rent settlement authority'. Its main purpose is to see that the tenants are termed as mortgagees, and thereby the landlords are enabled to redeem their mortgagees and see that every tenant is

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ousted. This provision against eviction was brought forward as a result of long years of struggle. The tenants and kisans of Malabar have been struggling to bring in such a provision. In the last amending Bill this provision was brought in. Now the Government want to take away even that salutary provision.

11-30 a.m. “A new section—section 44-B—making a special provision in respect of redemption of mortgages is proposed to be inserted. It reads—

‘Where a mortgage is redeemed and the mortgagee has been actually in possession of the land for a period of not less than twenty years immediately preceding the date of redemption, he shall, except where the person redeeming the mortgage wishes to cultivate the land himself, be entitled to continue on the land as a tenant in preference to any other person.’

This means that a poor and an aged widow who wants to get her land cultivated by her son will not be able to get possession of the land even after paying the entire amount due under the mortgage deed. The big moneylender who has been in possession of the land for twenty or more years may say that he wants to continue on the land. A mortgagor who wants to sell his land and redeem the mortgage may not get possession of his land from the mortgagee. Then he cannot give possession to the purchaser, and consequently the seller may not get the current market value of the land. The money-lender has been in possession of the land for the last twenty years or more, and this amendment gives sanctity to the possession by one who has been fleecing the poor peasant who owns the land! This obnoxious amendment cannot be accepted.

“The entire people are dissatisfied with this Bill. Mr. V. R. Krishna Ayyar narrated the history of the struggle of the people of Malabar from 1851 onwards. The struggle has been there for more than a century. Malabar land tenure is a complicated and complex system and it is entirely different from any system of land tenure obtaining in the rest of this State or anywhere else in India. It is almost a unique system. There are many intermediaries between the janmi and the actual cultivator. The tiller of the soil has been suffering from the overlordship of a pyramid of intermediaries. This amending Bill does not in any way relieve the suffering of the actual cultivator from the overlordship of the several intermediaries. I am sure that the heroic people of Malabar will reject this Bill *in toto*. If members of the Communist Party are there in the Joint Select Committee, they are there without committing themselves to the principle of the Bill and they want to go into the details of the original Act.”

* SRI N. GOPALA MENON :—“Sir, I do not know if any occupant of the Treasury Bench had more difficulty in piloting a Bill than the Hon. Minister for Law has to-day. In this Bill, there are difficulties of politics, difficulties of principles, difficulties of details and so on. I am glad that the Law Minister has given a very lucid exposition of the history of the tenancy legislation for Malabar and the substance of the proposed Bill. It was not the intention to have a completely new legislation overhauling all the fundamental principles of land tenure prevailing in Malabar.

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The only idea in introducing this legislation was to weed out from the old legislation those provisions which are obnoxious to the majority of the people of Malabar. I know personally that the people unanimously did not like two things. One is the visitation of the Rent Settlement Authorities throughout Malabar. The Government unhappily took Malabar for purposes of land reform experiments. They said that Rent Settlement Authorities shall be constituted whose duty will be to rove throughout the Malabar district and fix the fair rent in respect of all holdings, even where there was no dispute between the landlord and the tenant. The Government also provided for the maintenance of a record of rights which will contain all the rights of the landlord, the intermediaries and the tenants. These two things stirred up the feelings of the people, stirred up disputes where none existed, and naturally people resented this. The need for amending the 1951 Act in these respects was brought to the notice of the Ministry by many people by deputations and by Members representing various constituencies in Malabar. It was in pursuance of that persistent desire of the people of Malabar and their representatives that action was taken for amending the 1951 Act. If there is any difference in ideology, that is a matter on which neither the Government nor anybody else can do anything at present. I know that there is a strong feeling not only in Malabar but throughout India for abolishing the system of landlordism altogether and for making the tenants owners of the land they cultivate. That is a large policy which the Government of India should undertake and not the State Government. I know that in the recent elections in Malabar promises were held out by certain political parties to their constituents that there might be a change of Government and that there was every likelihood of the lands in Malabar being parcelled out and distributed among the tillers of the soil. That is a principle on which I do not feel that I am competent to speak. That is a very big problem. There are many hon. Members in this House who feel that this legislation does not correspond to their ideas, and any legislation of this kind will be opposed by them. Barring those ideologies, I think this legislation meets the needs of the people to a very large extent. After all, what does a tenant require? He requires three things—three F's—if I may so call them—fixity of tenure, fair rent and freedom for the sale of his right in the land. These are not new theories; these have been there for ages. Fixity of tenure is the paramount thing which any tenant requires.

“ Some hon. Members have stated that no fixity of tenure has been given to the tenant. I shall read to them section 10 of the Malabar Tenancy Act which says in unmistakable terms that fixity of tenure is given to the tenant. The section reads as follows :—

‘Notwithstanding any contract to the contrary entered into whether before or after the commencement of this Act, every cultivating verumpattandar, every customary verumpattandar, every karamdar, every kanom-kuzhikanamdar, every kuzhikanamdar, and every tenant of a kudiviruppu shall have fixity of tenure in respect of his holding, and shall not be evicted therefrom except as provided in this Act.’

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That section gives fixity of tenure to all tenants. There are details of cases where tenants could be evicted. For example, where the tenant does not pay the rent due, or if the landlord himself wants accommodation or wants to construct a building, he can evict the tenant. These are matters of detail into which the Joint Select Committee can go and change, if necessary. But to say that the tenants of Malabar have not been given fixity of tenure is not to say what is correct.

"Then, the other thing which a tenant would ordinarily require is that there should be fair rent fixed for the holding that he cultivates. That has been provided in the new enactment as well as in the 1951 enactment. Even in the 1930 enactment, there was provision for fixation of fair rent. Under section 9 (b), a machinery is constituted for the purpose of fixing fair rent. In respect of small holdings, in the place of the old Rent Settlement Authorities, Rent courts are established. This machinery will be speedier in disposing of cases and cheaper for persons who want fair rent to be fixed for their holdings.

"Then, Sir, the next thing is the freedom of disposal of the tenant's right. That is also allowed under section 39 of the Act which says that the tenant can dispose of his right whenever he likes. Therefore, the fundamental rights which a tenant has been agitating for not only in our country, but all over the world, have all been provided in this enactment.

"Sir, I have listened with very great care to the speeches of the hon. Members who have spoken against this Bill. They have said that this Bill is not acceptable to them that it is oppressive and that it is not conducive to the welfare of the tenants. Some hon. Members have opposed the Bill in strong terms. But, beyond these expressions, strong and violent expressions sometimes, I have not seen them point out to any provisions in the enactment which are detrimental to the interests of the tenants. I do not want to go very much into details because an opportunity will be given to all of us in the Joint Select Committee to put forward our views. I do not share the pessimism of the last speaker that this Bill will not be properly received in Malabar. Sir, I have still left in me some optimism and I believe that it is the duty not merely of those who represent the various constituencies in Malabar but of all of us here to see that contentment prevails in Malabar regarding these land tenures.

"I am very sorry, Sir, that the Leader of the Socialist Party, instead of coming forward to help all of us put our shoulders to the wheel, has decided to non-co-operate with, and not to be a member of, the Joint Select Committee. I submit that ought not to be the attitude that he should adopt. After all, the land we live in is the same and the prosperity of the people of that land is dear to us. All of us who come from Malabar and others should extend our co-operation and see what is wrong with this legislation. From the speeches that I have heard, I have not been able to see any hon. Member lay his hand on any particular provision and say that it is detrimental to the interests of the people.

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"Then, Sir, it was stated that waste lands had to be distributed in Malabar. There is already a provision in section 52-B of the Act which empowers the Government to take over waste lands belonging to jenmis and to give them to the cultivators for the purpose of cultivation. The fact that the Government, within the space of one year, did not implement that provision does not mean that the enactment is wrong. As I said, I do not see that there is anything fundamentally wrong in the new enactment.

"The hon. Member Sri Krishna Ayyar was talking about the fixation of fair rent. Sir, it may be that in some cases the provisions relating to fixation of fair rent are not acceptable to him. Whether one-fifth or two-fifths, or one-third or one-half of the produce should be given to the janmi is a matter of detail which ought to be gone into by the members of the Joint Select Committee. On principle, the Bill gives all that is good to the tenant and also safeguards the interests of the landlord.

"Reference has been made to sections 14 and 20 of the Act. Sections 14 and 20 state the grounds on which a landlord can evict a tenant. If a tenant does not pay the rent due, or if the landlord requires the holding for the purpose of putting up a building for his own occupation, or if the landlord himself is so poor that without cultivating the land he is unable to maintain his family, he has a right to evict the tenant in occupation of the holding. These are the main provisions of sections 14 and 20. I do not find any legislation in India laying down that the landlord who is himself so poor as to depend on the land he has to cultivate for his own subsistence should be deprived of his holding. The only recent legislation of the kind in Bombay prescribes a minimum acreage for the landlord. That is, I submit, a matter of principle on which this House or the Union Government may decide. On other matters, I do not find that any constructive help has been given by the criticisms on this Bill. I, therefore, think that this Bill should go to a Joint Select Committee and I would, if I can, appeal to the Leader of the Socialist Party to co-operate with us all in evolving a new Bill which may be satisfactory to the landlords as well as to the tenants."

MR. SPEAKER :—"The Hon. Minister will reply at 1-15 p.m. Then I will put the amendments to the vote of the House. The hon. Member Sri K. P. Gopalan will now speak."

SRI K. P. GOPALAN :—"Mr. Speaker, Sir, ലേബർ കടിയായ നിയമ ഭേദഗതി ബില്ലിനെക്കുറിച്ച് സംസാരിക്കുക എന്നുള്ളതു ഒരു അസംബി മെമ്പറുടെ നിലയിൽ ഏറ്റവും പ്രധാനപ്പെട്ട ഒരു കൗതുകമായിട്ടാണ് ഞാൻ കരുതുന്നത്. ഈ ബില്ല് അകമൊത്തമായി പരിശോധിച്ചതിനുശേഷം ഇത്രയും മോശമായിരിക്കുന്ന ഒരു ബില്ല്, ഇത്രയും കടിയാനാക് ദേഹം ചെയ്യുവാൻ സാധിക്കുന്ന ഒരു ബില്ല്, ഈ മന്ത്രിസഭ കൊണ്ടുവന്നതിൽ എനിക്കു യാതൊരു അനുകൂലതയുമില്ല. നോമ്പിട്ടില്ല. കാരണം കോൺഗ്രസ്സ് ഗവണ്മെന്റിന്റെ നയത്തെ കടിയാനാക്കു സഹായിക്കുകയും നേരെമറിച്ചു ജന്മിമാരെ സഹായിക്കുകയാണ്. എനിക്കു ബഹുമാനപ്പെട്ട മന്ത്രി ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായരോടും ബഹുമാനപ്പെട്ട ശ്രീമാൻ ഗോപാല മേനോനോടും ചോദിക്കാനുണ്ട്. ഇതു നിങ്ങൾ കോൺഗ്രസ്സിന്റെ പ്രമേയങ്ങൾ കാക്കുന്നതോ എന്നാണ്. കോൺഗ്രസ്സ് ഫോയിൽപ്പുരിയും കറുപ്പിയിലും വെച്ചു പാസ്സാക്കിയ പ്രമേയങ്ങൾ നിങ്ങൾ

11-50
a.m.

[Sri K. P. Gopalan]

[2nd April 1953]

ആലോചിക്കുന്നുണ്ടോ എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. മലബാറിൽത്തന്നെ കഴിഞ്ഞ തിരഞ്ഞെടുപ്പുകാലത്തു നിങ്ങൾ ജനങ്ങളോടു ചെയ്ത വാഗ്ദാനങ്ങളെക്കുറിച്ചു നിങ്ങൾ ആലോചിക്കുന്നുണ്ടോ എന്നാണ് ചോദിക്കുവാനുള്ളത്. ജനീസമ്പ്രദായം അവസാനിപ്പിക്കുമെന്നും, ശരിയായിട്ടുള്ള ഒരു കടിയായ നിയമം കൊണ്ടുവരുമെന്നും, കൃഷിക്കാരുടെ കഷ്ടങ്ങൾ അവസാനിപ്പിക്കുമെന്നും നിങ്ങൾ മലബാറിലെ പോട്ടർമാരോടു വാഗ്ദത്തം ചെയ്തിട്ടില്ലേ എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. ശ്രീമാൻ കുട്ടിത്തൂർ നായർക്കും ഗോപാല മേനോനും കോൺഗ്രസ്സിന്റെ പ്രമേയങ്ങൾ മനസ്സിലാക്കുകയും കോൺഗ്രസ്സിന്റെ പ്രമേയങ്ങൾ കാര്യമല്ലാത്തതായിരിക്കാം. എന്നാൽ മലബാറിലെ തൊഴിലാളികളും, കൃഷിക്കാരും, കടിയാന്മാരും ആയിരുന്ന നമുക്കു രാജ്യത്തിന്റെ സ്വാതന്ത്ര്യത്തിനുവേണ്ടി ബ്രിട്ടീഷ് സാമ്രാജ്യത്വപാലികളോടു പടപെരുതിയിരുന്നതും സ്വാതന്ത്ര്യം ബ്രിട്ടീഷുകാരുടെ കയ്യിൽനിന്നു വിടിച്ചുവെറിയുതു ഇങ്ങിനെ ഒരു നിയമം കൊണ്ടുവരുവാൻ അയിരുന്നവരോ എന്ന ശ്രീമാൻ കുട്ടിത്തൂർ നായരോടും ഗോപാല മേനോനോടും ചോദിച്ചുകൊള്ളട്ടെ. മിസ്റ്റർ സ്പീക്കർ, സാർ, ഇന്നു ഇവിടെ ഈ ബില്ലു അവതരിപ്പിക്കുന്ന അവസരത്തിൽ മലബാറിലെ പാലു ചെട്ട കൃഷിക്കാർ, ബുദ്ധിമുട്ടുകളിൽ ആണ്ടുകിടക്കുന്ന കൃഷിക്കാർ, ഈ സഭയിലെ നടപടികളെ സസൂക്ഷ്മം സൂക്ഷിച്ചുകൊണ്ടിരിക്കുകയാണ്. മലബാറിലെ കൃഷിക്കാർ എന്തുക്കൊണ്ടാണ് അങ്ങിനെ നോക്കിക്കൊണ്ടിരിക്കുന്നതെന്ന് ഞാൻ വിവരം കേൾക്കുന്ന ആവശ്യമില്ല. മലബാറിലെ കൃഷിക്കാരുടെ ദയനീയ ചിത്രത്തെപ്പറ്റി ശ്രീമാൻ കുട്ടിത്തൂർ നായരോടും ഗോപാല മേനോനോടും എടുത്തുപറയേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. ഉറപ്പാക്കുകയിൽ ഇന്നും പോയി നോക്കുകയാണെങ്കിൽ—ശ്രീമാൻ ഗോപാല മേനോൻ മലബാറിലെ ഗ്രാമങ്ങളെ നല്ലപോലെ കണ്ടിട്ടില്ലായിരിക്കാം—ജനീസമ്പ്രദായത്തിന് കീഴിൽ ജീവിക്കുവാൻ സാധിക്കാത്ത, കടത്തിൽ ആണ്ടുകിടക്കുന്ന, ഒരു നല്ല കുടുംമുണ്ടും കൂടി ധരിക്കുവാൻ സാധിക്കാത്ത, ഒരു നേരത്തെ ഭക്ഷണം കഴിക്കാൻ സാധിക്കാത്ത ആയിരക്കണക്കിലുള്ള കൃഷിക്കാരെ നമുക്കു കാണുവാൻ സാധിക്കുന്നതാണ്. ഈ കൃഷിക്കാർ ഇന്നു ഈ സഭയിൽ എന്താണ് നടക്കാൻ പോകുന്നതെന്നും, കോൺഗ്രസ്സ് ഗവണ്മെന്റ് പണ്ടുപണ്ടേ വാഗ്ദത്തം ചെയ്ത ഒരു നിയമ നിർമ്മാണം കൊണ്ടുവരുവാൻ പൊക്കുന്നുണ്ടോ എന്നും നോക്കിക്കൊണ്ടിരിക്കുകയാണ്. ശ്രീമാൻ മാധവ മേനോൻ കഴിഞ്ഞ തിരഞ്ഞെടുപ്പിൽ തോറ്റുകഴിഞ്ഞു. ശ്രീമാൻ കുട്ടിത്തൂർ നായർ മലബാറിലെ മന്ത്രി ആയതിനാലേക്കും അദ്ദേഹം നെഹറുവിന്റെ ബില്ലു കൊണ്ടുവരും എന്നുള്ളതായിരുന്നു കൃഷിക്കാരുടെ ആശം എന്നുള്ളതിൽ എനിക്ക് യാതൊരു സംശയവുമില്ല. എന്നാൽ എനിക്ക് ഈ ബില്ലിനെക്കുറിച്ചു സംസാരിക്കാനുള്ളത് ഈ ബില്ലു കോൺഗ്രസ്സ് തത്വങ്ങളെ പാടെ അധഃപാണിപ്പിക്കുന്നു എന്നാണ്. ഈ ഒരു അഭിപ്രായമാണ് എനിക്ക് ഈ സഭയുടെ മുമ്പാകെ വെക്കുവാനുള്ളത്. ഇങ്ങിനെ ഒരു ബില്ലു കൊണ്ടുവരുവാൻ ഈ മന്ത്രിസഭയ്ക്കു എങ്ങിനെ ചെയ്യും എന്നു എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. എനിക്ക് ഒരു കാര്യം രീതിപരമാണു്. ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റിനെ എത്രയും അന്യായമായി എന്തുകൊണ്ടും എന്നുള്ളതല്ല ആങ്ങളുടെ നില. ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റ് മലബാറിലെ ജനങ്ങളുടെ അഭിലാഷങ്ങളും അഭിപ്രായങ്ങളും അറിഞ്ഞിട്ടുണ്ടോ എന്നാണ് ഞാൻ ചോദിക്കുന്നത്. ശ്രീമാൻ കുട്ടിത്തൂർ നായരോടു എനിക്ക് അപേക്ഷിക്കുവാനുള്ളതു്, ശ്രീമാൻ മാധവ മേനോനോടു കഴിഞ്ഞ തിരഞ്ഞെടുപ്പുകാലത്തു മലബാർ കടിയായ ബില്ലിനെ പേരിലാണ് അദ്ദേഹത്തിനു മന്ത്രിസ്ഥാനം പോയിട്ടുള്ളതു്. ഇതു ശ്രീമാൻ കുട്ടിത്തൂർ നായർ നല്ലപോലെ ആലോചിക്കണം എന്നു മാത്രമേ എനിക്ക് അദ്ദേഹത്തിനോടു വിനീതമായി പറയാനുള്ളു. ഈ ബില്ലു കോൺഗ്രസ്സ് മന്ത്രിസഭ നിർവ്വസാപ്യം നടപ്പിൽവരുത്തുകയാണെങ്കിൽ മലബാറിലെ ധീരോദാത്തരായ കൃഷിക്കാർ ഈ ബില്ലിനെ ഒരിക്കലും സ്വീകരിക്കാൻ പോകുന്നില്ല എന്നു കോൺഗ്രസ്സ് മന്ത്രിസഭ നല്ലപോലെ മനസ്സിലാക്കണം എന്നാണ് എനിക്ക് പറയാനുള്ളതു്. കഴിഞ്ഞ ഭൂമിക്ക് വേണ്ടിയുള്ള സമരത്തിൽ എന്തെങ്കിലും കൃഷിക്കാരെ പോലീസ് വെടി വെച്ചുകൊന്നു. മലബാറിന്റെ ചരിത്രം പരിശോധിക്കുകയാണെങ്കിൽ അതിൽ ഭൂമിക്ക് വേണ്ടിയുള്ള സമരംകൂടിയുണ്ടെന്നു ആകുന്നു അറിയുവാൻ സാധിക്കാത്തതു്? എന്നാൽ ഇതെല്ലാം മറന്നുകൊണ്ടു് ശ്രീമാൻ ഗോപാല മേനോൻ ഇന്നിവിടെ പറയുകയാണ് എങ്ങിനെയായാലും കോൺഗ്രസ്സ് ഗവണ്മെന്റിനെ എന്തുകൊണ്ടും എന്നുള്ള ഒരു നിലയാണ് ഞങ്ങൾ സ്വീകരിച്ചിട്ടുള്ളതു് എന്ന് എനിക്ക് അദ്ദേഹത്തോടു വളരെ വിനീതമായി പറയാനുള്ളതു് എങ്ങിനെയായാലും എന്തുകൊണ്ടും എന്നല്ല ആങ്ങളുടെ നില. നിങ്ങൾ ജനങ്ങളോടു ചെയ്ത വാഗ്ദാനങ്ങൾ നിങ്ങൾതന്നെ നിറവേറുവാൻ തയ്യാറല്ല എങ്കിൽ ഈ മന്ത്രിസഭയേയും അധികാരത്തിൽനിന്നു നീക്കംചെയ്യുവാൻ ജന

2nd April 1953]

[Sri K. P. Gopalan]

ങ്ങൾക്കു കഴിയും എന്നു നിങ്ങൾ മനസ്സിലാക്കണം. രണ്ടാമതായി രാഷ്ട്രീയ അഭിപ്രായ വ്യത്യാസങ്ങളെ പൊക്കിപ്പിടിച്ചതിനെപ്പറ്റി എനിക്ക് ചോദിക്കാൻമുണ്ട്, ഈ ബില്ലിനെ സ.ബന്ധിച്ചേടത്തോളം മലബാറിലെ കമ്മ്യൂണിസ്റ്റ് പാട്ടിയായാലും ശരി, സോഷ്യലിസ്റ്റ് പാട്ടിയായാലും ശരി, പ്രജാ പാട്ടിയായാലും ശരി, മുസ്ലീംലീഗായാലും ശരി ആങ്ങൾ എല്ലാവരും പുരോഗമനപരമായ ഒരു ബില്ല് കൊണ്ടുവരുന്നതിൽ ഏകോപിച്ച അഭിപ്രായക്കാരാണ് 90 ശതമാനവും എന്നു ശ്രീമാൻ ഗോപാല മേനോൻ അറിയുകയില്ലേ എന്നാണ്. ഞങ്ങൾ പറയുന്നത് കമ്മ്യൂണിസ്റ്റുകാർ കൊണ്ടുവരുന്ന ഒരു ബില്ല് സീക്രീകരിക്കണമെന്നല്ല. മലബാറിലെ കോൺഗ്രസ്സുകാർ, ജനാധിപത്യവാദികളായ കോൺഗ്രസ്സുകാർ ഉണ്ടാക്കിയതായും കെ. പി. സി. സി.യുടെ റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ ഒരു ബില്ലെങ്കിലും നിങ്ങൾക്കു കൊണ്ടുവരുവാൻ സാധിച്ചുവോ എന്നാണ് ശ്രീമാൻ ഗോപാല മേനോനോടു വിനീതമായി ഞാൻ ചോദിക്കുന്നത്. പിന്നീട് ഗോപാല മേനോൻ ഒരു കാര്യം പറയുകയുണ്ടായി, ഈ ബില്ലിൽ കടിയാന്മാർ സ്ഥിരമായ കാശം കൊടുത്തിട്ടുണ്ടെന്നു സമർത്ഥിക്കുവാൻ അദ്ദേഹം ശ്രമിക്കുകയുണ്ടായി. കടിയാനു സ്ഥിരമായകാശം കിട്ടിയാലും പാട്ടും അധികരിക്കുകയാണെങ്കിൽ അതുണ്ടായാണോരു പ്രയോജനമില്ല. ഇന്നത്തെ നാങ്ങൾ വളരത്ത പാട്ടും ചുരുക്കാനായിരുന്നാൽ ഏതു നിമിഷത്തിലും ഒരു ജന്മിക്കു കടിയൊന്നെ ഒഴുപ്പിക്കാൻ സാധിക്കും എന്നു മനസ്സിലാക്കണം. ഈ ബില്ലിന്തന്നെ ജന്മിക്കു സ്വന്തമായശൃത്തിനുവേണ്ടി കടിയുണ്ടാക്കു ഒഴുപ്പിക്കും എന്നുള്ളതായ ഒരു വെക്കുപ്പ് ഇതിൽ ഉൾക്കൊണ്ടിട്ടില്ല എന്നാണ് എന്നിട്ടു ചോദിക്കാൻമുണ്ട്. അതുകൊണ്ട് കൃഷിക്കാരനു സ്ഥിരമായകാശം കൊടുത്തിരിക്കുന്നു ഈ ബില്ല് എന്നു പറയുന്നത് തികച്ചും തെറ്റായ ഒരു പ്രസ്താവനയാണ് എന്നുള്ളതു സഭയുടെ മുമ്പാകെ വെക്കുവാൻ ഞാൻ വിചാരിക്കുന്നു. രണ്ടാമതായി ചെറിയ ജന്മിമാരെപ്പറ്റി ശ്രീമാൻ ഗോപാല മേനോൻ സ.സാരിക്കുകയുണ്ടായി. ഞാൻ പറയുന്നത് ചെറിയ ജന്മിമാരുടെ കാര്യം ആലോചിക്കണം എന്നാണ്. എന്നാൽ അന്വതിനായിരവും, ഒരു ലക്ഷവും ഏതു നിലം കയ്യിൽ വെച്ചുകൊണ്ടു കൃഷിക്കാരെ കൊള്ളുകയും ജീവിക്കുന്ന ജന്മിമാർ ഇന്നു മലബാറിൽ ഇല്ലേ എന്നു ഞാൻ ചോദിക്കുന്നു. ഇവരെക്കുറിച്ചു നിങ്ങൾ എന്തുപറയുന്നു. കൂടാതെ ശ്രീമാൻ ഗോപാല മേനോൻ മലബാറിലെ റെയിന്റ് ലാങ്ക്സിനെപ്പറ്റി പറയുകയുണ്ടായി, മലബാറിൽ 18 ലക്ഷം ഏക്കർ സ്ഥലം തരിശായി കിടക്കുന്നുണ്ടെന്ന്. എന്തുകൊണ്ടു കോൺഗ്രസ്സ് ഗവണ്മെന്റ്, ഈ രാജ്യത്തിൽ ഉല്പാദനം വലുപ്പിക്കണം എന്നു പറയുന്ന കോൺഗ്രസ്സ് ഗവണ്മെന്റ്, ഉല്പാദനം വലുപ്പിക്കണം എന്നു ആണയിട്ടു പറയുന്ന കോൺഗ്രസ്സ് ഗവണ്മെന്റ് എന്തുകൊണ്ടു ഈ തരിശുസ്ഥലം കൃഷിക്കാർക്കു കൊടുത്തിട്ടില്ല എന്നു ഞാൻ ചോദിക്കുന്നു. മലബാറിൽ പത്തുനൂറ് മുതലായ സ്ഥലങ്ങളിൽ പുന:കൃഷിക്കു പററിയ സ്ഥലങ്ങളുണ്ട്. അവിടെ കൃഷിക്കാർ ഉപവാദം കൃഷിചെയ്യുവാൻ തയ്യാറാണ് എന്നു എനിക്ക് നല്ലപോലെ അറിയാം. പക്ഷെ ഭൂമി കൊടുക്കുവാൻ ജന്മിമാർ തയ്യാറാകുന്നില്ല. ഇതു ഇന്നും നടക്കുന്ന കാര്യമല്ലേ എന്നു ഞാൻ ചോദിക്കുന്നു. മലബാർ കടിയായു പ്രസ്ഥാനത്തന്നെ ഒരു നീണ്ട ചരിത്രമുണ്ട്. അതിന്റെ പിന്നിൽ ഉള്ള വമ്പിച്ച കഥകളെ ഞാൻ വിവരിക്കേണ്ട ആവശ്യമില്ല. അതുകൊണ്ടു എനിക്ക് പറയുവാനുള്ളതു് ഇതു മലബാറിനെ സംബന്ധിച്ചേടത്തോളം ഒരു നല്ല കടിയുൻ ബില്ല് വരുത്തുക എന്നുള്ളതു കൃഷിക്കാരുടെയും ജനങ്ങളുടെയും ഒരു പീഠഭരണസാരമാണ്. ഇതു അറിയുവാൻ സാധിച്ച ശ്രീമാൻ കട്ടിത്തുറന്നായും ഗോപാല മേനോനും ഒരു നിസ്സാര കാര്യമായി ഇതിനെ തള്ളുവാൻ സാധിക്കുകയില്ല എന്നു പ്രസ്താവിക്കേണ്ടതായിട്ടുണ്ട്. മലബാറിലെ ജനങ്ങൾ എന്തൊരു അഭിപ്രായമാണ് ഈ ബില്ലിനെപ്പറ്റി രൂപീകരിക്കുവാൻ പോകുന്നതെന്നു ഇവർ നല്ലപോലെ മനസ്സിലാക്കുവാൻ സാധിക്കും. ഇതു രീപ്തായും കോൺഗ്രസ്സ് ഭരണത്തെ അവഹേളിക്കുവാനാണ് പറയുന്നതെന്നു തെറ്റിദ്ധരിക്കുവാൻ പാടില്ല.

“ഈ കടിയായു ബിൽ പാസ്സാക്കുകയാണെങ്കിൽ ജനാധിപത്യവാദികളായ കോൺഗ്രസ്സുകാർ കൂടി ഈ ബില്ലിനെ എന്തുകാൻ തയ്യാറായിരിക്കും എന്നു എനിക്ക് ഉറപ്പുണ്ട്. അതുകൊണ്ടു് ഈ ബില്ലിനെപ്പറ്റി എനിക്ക് പറയുവാനുള്ളതു് ഈ ബില്ല് ഏറ്റവും അനുകൂലമായ ഒരു ബില്ലാണ്, സകല തത്വങ്ങൾക്കും എതിരായ ബില്ലാണ്, കടിയുണ്ടാക്കു പാപ്പാക്കുന്ന ഒരു ബില്ലാണ് എന്നു്.. ഈ ബില്ലിന്റെ നാനാ ഭാഗങ്ങളെയുംപറ്റി ബഹുമാന്യനായ എന്റെ റെപ്പ്രിസന്റേറ്റീവ്. ആർ. കൃഷ്ണയ്യർ വിവരിച്ചു കഴിഞ്ഞു. അതുകൊണ്ടു് ഞാൻ അധികം സംസാരിക്കുവാൻ വിചാരിക്കുന്നില്ല. മാത്രമല്ല സമാക്കർ പി. കെ. ഗോപാലകൃഷ്ണനും ടി. സി. നാരായണൻ നമ്പ്യാരും ഇതിനെക്കുറിച്ചു ശക്തിമത്തായ ഭാഷയിൽ സംസാരിക്കുകയുണ്ടായി. പൊരാണിക്കക്ഷങ്ങളിൽ

[Sri K. P. Gopalan]

[2nd April 1953]

മുതലായിത്തന്നെയും വന്നുകൊണ്ടിരുന്ന അവസരത്തിൽ ജന്മിമാർ അവരുടെ കടിയുന്മാരെ അടിമകളാക്കി വെക്കുന്ന കഥ നാം വായിച്ചിട്ടുണ്ട്. അതുപോലെയുമാണ് ഈ ഉൾക്കടിയന്മാരെ മൂന്നു കൊല്ലത്തെ നോട്ടീസ്സു കൊടുത്താൽ ഒഴിപ്പിക്കാം എന്നു പറയുന്നത്. ഇതു മൂന്നു കൊല്ലം അവരെ അടിമകളാക്കിവെക്കാനുള്ള ഒരു സമ്പ്രദായത്തിന്റെ പ്രതിഫലനമാത്രമാണ്. അതുകൊണ്ടാണ് ഞാൻ പറയുന്നത് നാടുവാഴിപ്രഭുത്വത്തിന്നു കൃഷിക്കാരെ അടിമകളാക്കിവെക്കാനുള്ള ഒരു ഭേദഗതിയാണ് ഈ ഉൾക്കടിയെ സംബന്ധിച്ച ഈ ബില്ലിൽ വന്നിട്ടുള്ളത്. ആകപ്പോഴെ നോക്കുകയാണെങ്കിൽ ഈ ബില്ലിനെ നീച്ചിയായും മലബാറിലെ ജനങ്ങൾ അവരുടെ ജീവനരണനന്മയായി കരുതും എന്നുള്ളതിന്നു യാതൊരു സംശയവുമില്ല. ശ്രീമാൻ ഗോപാല മേനോൻ പറയുകയുണ്ടായി, മലബാറിലെ ജനങ്ങൾ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യും എന്ന്. ഇതിന്റെ സെലക്ട് കമ്മിറ്റി യോഗങ്ങൾ മലബാറിൽ വെക്കണം, കോഴിക്കോട്ട് വെക്കണം, കൃഷിക്കാരുടെയും കടിയന്മാരുടെയും അടുത്തു പോയി വെക്കണം എന്നാണ് എനിക്കു പറയാനുള്ളത്. എന്നാൽ കൃഷിക്കാർ മാത്രമല്ല ഇടത്തരക്കാർ കൂടി ഈ ബില്ലിനെ എതിരും എന്നു നിങ്ങൾ മനസ്സിലാക്കണം. മലബാറിൽ വരുന്ന അവസരത്തിൽ ലക്ഷക്കണക്കായ കൃഷിക്കാർ, അതുപോലെ ഇടത്തരക്കാർ, ജനാധിപത്യവാദികളായ കോൺഗ്രസ്സുകാർ, കമ്മ്യൂണിസ്റ്റുകാർ എന്നൊക്കെ, സോഷ്യലിസ്റ്റുകാർ എന്നൊക്കെ, പ്രജാപാട്ടികാർ എന്നൊക്കെ, മുസ്ലീം ലീഗ് എന്നൊക്കെ പൂർണ്ണമായും ഇല്ലാതെകൊണ്ടു പുരോഗമനപരമായ ഒരു ബില്ലിനുവേണ്ടി നീച്ചിയായും മലബാറിലെ ജനങ്ങൾ അണിനിരക്കും എന്നു നിങ്ങൾക്കു കാണുവാൻ സാധിക്കും. അതും കടിയന്മാരും കൃഷിക്കാർക്കും ദോഷകരമായിട്ടുള്ള ഒരു ബില്ലാണ് കോൺഗ്രസ്സ് ഗവണ്മെന്റ് കൊണ്ടുവന്നിട്ടുള്ളത്. ഭൂമിയിൽ സ്ഥിരവകാശം കൊടുക്കണം എന്നു പറഞ്ഞു കോൺഗ്രസ്സ് ഗവണ്മെന്റ്, ജന്മിസമ്പ്രദായം അവസാനിപ്പിക്കണം എന്നു പറഞ്ഞു കോൺഗ്രസ്സ് ഗവണ്മെന്റ് ഇങ്ങനെ ഒരു ബില്ല് കൊണ്ടുവന്നതിൽ ഞാൻ വളരെ പൂസനിക്കുന്നു. ശ്രീമാൻ ഗോപാല മേനോൻ ചോദിക്കുന്നു ഇന്ത്യയിൽ മറെറാവിടെയാണ് ഒരു കാഷികപരിഷ്കരണം വന്നിട്ടുള്ളതു എന്ന്. ചൈനയേയും റഷ്യയേയും എടുക്കട്ടെ ആവശ്യമില്ല, ഇന്ത്യയിൽത്തന്നെ കാഷിമീരിൽ എന്തു ഉണ്ടായി എന്നു നിങ്ങൾ ഭയപ്പെടുകയോ ആലോചിക്കണം എന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു. അവിടെ ചൈനീസ് സാമ്പത്തികയുടെ നേതൃത്വത്തിലുള്ള കോൺഗ്രസ്സ് ഭരണം കൃഷിക്കാർക്കു അനുവദിച്ചുകൊടുത്തതായ ആരംഭിച്ചതാൽ കൊടുക്കുവാൻ ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റ് തയ്യാറുണ്ടോ എന്നുള്ളതു മാത്രമാണ് എനിക്കു ചോദിക്കുവാനുള്ളത്. ഇത്രയും പറഞ്ഞുകൊണ്ടു എന്റെ പ്രസംഗം ഞാൻ തൽക്കാലം അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

* SRI M. NARAYANA KURUP:—"Mr. Speaker, Sir, it is with a heavy heart that I rise to speak on this occasion. We are here now considering an amending Bill to a legislation which was passed scarcely a year ago. Therefore, we expected that when a new legislation is brought in, things of the past would be taken into consideration and the Government would take a lesson from the past while such an amendment becomes necessary. I agree with Mr. Gopala Menon that the present Bill is brought forward due to persistent popular demand. But our demand was not to make the Bill more reactionary. Let me remind the hon. Member that the Congress rout in the recent elections in Malabar was not due to any fantastic promises that were held out by their opponents but due to the past betrayals of plighted words by Congressmen themselves. Sir, I would request him to read the two editorials written by 'Mathrubhoomi' immediately after the Congress defeat at the elections. 'Mathrubhoomi' is a nationalist paper which reflects Congress views and if I am permitted, I may call it the 'Malabar Hindu.' Such a paper wrote that the result of the general election in Malabar was a verdict on the 1950 Malabar Tenancy legislation. Therefore, instead of throwing the blame on the promises made by their opponents, let them indulge in a sort of self-introspection and let Mr. Gopala Menon give his helpful advice in making the measure agreeable to the majority of the people in Malabar."

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" Sir, we were crying for bread but what is thrown before us are literally stones. Before I speak on the main motion, I would place a few facts before the House regarding my amendments. I wish to assure the Government that my amendments are not intended to complicate matters or throw difficulties in the way of the Government. I move them with an honest intention. Some of them are formal amendments and if they are accepted, many a complicated problem can be solved. I would point out one or two instances. In the definition of 'cultivating verumpattamdar', it is stated 'cultivating verumpattamdar in respect of a holding means any verumpattamdar, who not being a janmi, intermediary or customary verumpattamdar of that holding, has expressly or impliedly, contracted cultivable lands in that holding and actually cultivates the same.' Sir, I lay emphasis on the words 'the same.' It has been held by courts that though the holding may comprise ten acres of land, if an inch of property is in the possession of a third person, he is not a cultivating verumpattamdar because he is not in possession of the entire land. Now, we know that holdings cannot be split up and in Malabar many of the holdings contain 'kudiyiruppu'. So if the tenant is in possession of ten acres of land and actually cultivating 9.99 acres and the other portion is in possession of the 'kudiyiruppu' holder he cannot get the benefit of the cultivating verumpattam. That this has not been the intention is evident from section 21. Then sections 14 and 20 allow the landlord the right to recover possession of property for his personal cultivation. Section 21 says 'that if he has not cultivated—or a substantial portion thereof' the tenant has the right to get back the land. Therefore when we say that the tenant should be in possession of the holding, it means the entire holding or a substantial portion thereof as is evident from the various other provisions. That is the one amendment that I have in my mind.

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" Then again, Sir, there is another provision, provision 6 (a) which gives special treatment to hilly tracts in respect of fair rent. It is stated it would be applicable to Wynaad, Gudalur and Nilgiris. We know it is intended to give some relief to persons who cultivate mountain areas, facing malaria and other dangers. We know that in Ernad and Walluvanad there are extensive areas which can be brought under cultivation and which the people are bringing under cultivation. If this provision is extended to those areas that would be a great help to them. So this section also needs some amendment.

" Then, Sir, this morning a question was answered about remission of rents. Section 29 (a) says that the tenant will be entitled for remission of rent only in the proportion of remission of revenue. We all know the bitter experience of this year. The whole second crop in Palghat and Walluvanad and a major portion in other taluks had failed. There has been no remission of the revenue because of the fact that double-crop lands are not included under the existing orders for grant of remission. In these cases if one crop is raised successfully, they are not entitled for any remission of revenue. There may be reason for that because the revenue

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is small when compared to the entire income from the land. But what about the poor tenant? One whole crop is lost to him. But he must pay the entire rent. Therefore section 29 (a) requires amendment, which will entitle him for remission of rent when the entire crop fails due to natural calamities beyond his control. Sir, in this connection I may mention that if the Select Committee is empowered by this House it can go into the other sections also and suggest amendments. There need not be another agitation or further amendments to the Act to give effect to the demands of the tenants. As I said before, it is far from my mind to complicate matters.

“Then, Sir, coming to the Bill itself I want to dispel the impression if it lurks in any part of the House that any probable legislation with regard to Malabar tenancy will have repercussions in other parts of the State as a whole. It is well known that the tenancy problem of Malabar is peculiar. I shall not here state my impressions or opinions. I will cite only what the experts and the landlords of Malabar themselves have said about this. In the memorandum submitted to the Select Committee on the Revenue Surcharge Bill, the Malabar Land Holders' Association observed: ‘The peculiarities of different kinds of tenures by which lands are held in Malabar make it abundantly clear that the assessment is no basis by which the pattadar may be considered as big or small holder or as a poor or rich one’. Then the landholders of North Malabar say: ‘In many cases between the actual cultivator and the jenmi there are several intermediaries, sometimes to the extent of six or seven who share the income in varying proportions! Then Poomulli Nambudripad, a big jenmi and a learned jenmi observes: ‘The system of land tenure prevalent in Malabar from time immemorial is peculiar to that district only. It is totally different from the land tenures in other parts of the Madras State.’ Then, Sir, I shall quote the opinion of the Special Officer Mr. Ragavendra Rao who was deputed to enquire into the matter in 1948. He said: ‘One of the peculiar features in the land tenure of Malabar is the existence of a large number of intermediaries with rights in land. There are as many as 28 tenures of land in Malabar. Most of these tenure holders are not actually cultivating the land’. Sir, you will be surprised to know that the definition of the tenant in the Malabar Tenancy Act includes an intermediary of any description. We had also the opportunity to discuss the Tanjore Tenants' Act but nowhere you will find in that Act the description of a tenant as including the intermediary. Sir, even the United Nations experts have observed that the Malabar land tenure problem is the most complicated in the South East Asia. Therefore let not this House be carried away by the impression that what is given to Malabar will be sought for or agitated for by the rest of the people. Ours is a peculiar problem which will come more and more in evidence as we proceed hereafter.

“Then, Sir, the Hon. Minister recounted the history of the Malabar land legislation which I wish also the House should remember. I shall here give the authoritative version given by the

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former Law Minister who introduced the Bill, because my subsequent argument has important bearing on his statement. He said : The Malabar Tenancy Act of 1929 however proved to be defective in certain respect. In 1938 therefore, the Government gave notice of a Bill to amend that Act but the Bill was not actually proceeded with. In July 1939 the Government appointed a Committee with Sri Kuttikrishna Menon, the present Advocate-General as Chairman, to study the nature and effects of the land tenures prevailing in Malabar and special areas where the same tenures are prevalent

MR. SPEAKER :—“ The hon. Member need not read the whole thing. It is available in the Library for reference. It is enough if he just refers to it.”

SRI M. NARAYANA KURUP :—“ What I want to impress upon the House is that in his statement the former Minister made it definitely clear that the draft Bill published by him in 1950 was the result of mature consideration and consistent with public opinion. That evoked a certain amount of response though it did not completely satisfy the people. The Bill went into Select Committee but as it emerged from there, it was a complete negation of all the amendments that were suggested in the original Bill that was published.

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“ Sir, introducing the Bill as amended by the Select Committee, Mr. Madhava Menon observed : ‘ Considerable changes have been made by the Joint Select Committee in the Bill which was originally introduced. I must say with some personal regret that the changes that have been made are against the tenant and in favour of the landlord.’ Therefore, Sir, let us ask ourselves, why in the Select Committee changes were made in favour of the landlord and detrimental to the interests of the tenants. The answer is not far to seek. Mr. M. P. Govinda Menon who was an active member of the Select Committee said that the majority of the members from Malabar in the Select Committee represented kanamdars’ interests. There was the interest of Janab Uppi Sahib who admitted that although he belonged to the class of landlords, he supported the Bill of 1929. Therefore, the 1950 Bill that was sent to the Joint Select Committee was completely transformed because the representatives of Malabar who were in the Select Committee were really not the representatives of the toiling people or the real cultivators, but of the kanamdars and jenmis. I would request this House nothing more and nothing less than follow the procedure adopted by the previous Government. That Government, as the then Minister put it with some regret, made changes in the Bill because the majority of Malabar representatives were in favour of such changes. Now we do not want to incorporate any single change in this Bill as against the majority view now. If the Government are prepared to accept the advice, we want nothing more and we would request them to show as much concession and consideration as they were prepared to extend to the Members of the former Legislative Assembly in respect of the 1950 Bill.

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"My friend Mr. Gopala Menon was saying that no specific points were made out. If I am given two or three hours' time, I will point out hundreds of instances to him."

MR. SPEAKER :—"The hon. Member has got one minute more."

SRI M. NARAYANA KURUP :—"Sir, I want half an hour."

MR. SPEAKER :—"I will allow five minutes more."

SRI M. NARAYANA KURUP :—"Sir, I do not claim any special knowledge. But while the other Members are not lawyers, I know something of law."

MR. SPEAKER :—"I will allow ten minutes."

SRI M. NARAYANA KURUP :—"Sir, I have to hurry up though I may not be able to cover all my points."

"In the 1950 Bill as it was originally published, of course I too concede there are three important points. Two are most important, viz., fixity of tenure and fair rent and the latter without the former, I would say, is a mere mockery. In regard to fixity of tenure, the 1950 draft Bill promised the cultivating tenant that if he had been in continuous possession of land for 12 years, he would be given 5 acres of land and would be evicted by the landlord only from the rest. Indeed that was a great consolation and a great change made in the amending Bill. It also provided that no tenant could be evicted from the lands belonging to trustees or devaswoms. In regard to fair rent, it accepted the well known principle all over the world in any tenancy legislation, that the fair rent fixed by any legislation is the maximum rent payable by a tenant and in between he is entitled to contract for any less rent. In other words, the liability of the tenant is to pay a fair rent or contract rent whichever is less. This salutary principle was accepted in the draft Bill."

"Now, what were the changes made by the Select Committee? They took away completely that provision which gave the tenant the right to enjoy five acres of land had he been in occupation of it for 12 years. Then there is the invidious distinction that instead of saying that tenants in lands belonging to trustees and devaswoms cannot be evicted, they stated that trustees and devaswoms cannot evict. I shall show the anomaly and injustice done to the cultivating tenant. Suppose there is a plot of land 'X' belong to a devaswom 'A' and there are 2 or 3 tenants. 'A' gives the land to 'B' a kanamdar and 'B' gives it to 'C' who is the cultivating tenant. Devaswom 'A' cannot evict the kanamdar 'B', but 'B' can evict the cultivating tenant 'C'. Can there be a more discriminating legislation than this against the interests of a cultivating tenant? These were the important fundamental changes made by the Select Committee and it is no wonder that the people threw the Bill on the face of the Minister who stood for election. When we were agitating for restricted permanency when this amendment

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was brought forward, what we find is that the provisions regarding fixity of tenure and fair rent are much worse. Mr. Gopala Menon remarked that the one universally hated clause in the Bill was in regard to the compulsory fixation of rent. I would challenge him on that point. Sir, the proposed legislation at least has this merit. I am afraid I have no time to quote. Mr. Raghavendra Rao, Special Officer, has observed in many places that giving the right for the tenant to apply for fixation of rent when he is not given the fixity of tenure is a complete moonshine. Therefore if there was compulsory fixation of rent at least, the tenant would be liable to pay only fair rent. So long as the right to resume the land in favour of the landlord remains no other provision to fix fair rent will be of any avail. At this stage, I have to say something about the right of the landlord to resume land for personal cultivation. It is often times argued with some gusto and seeming justification, 'why should we not allow the landowner to resume the land?' I would request Mr. Gopala Menon to define the word 'landowner.' Sir, we are now in a state where we have no quarrel with words and phrases. But when once we attempt to analyse their content and define them, we part. We know, Sir, the meaning of 'aggression.' But lawyers of international repute have not been able to define 'aggression.' Ownership has been described as a bundle of rights and if we untie the bundle and hand over the sticks to different persons, can anyone of them be called the owner? I shall put it in another way. Suppose the notional value of ownership is one rupee or sixteen annas and we change it into four four-anna pieces and distribute them to four persons, can we say that all these persons are given one rupee each.

"Sir, here I want to explain the position between the tenant and the intermediaries. Suppose there is a plot of land belonging to a jenmi 'A'; 'A' leases the land to 'B' for Rs. 200; 'B' gives it to 'C' for Rs. 300; 'C' gives it to 'D' for Rs. 400 and 'D' in turn gives it to 'E' for Rs. 600. It has been observed that on an average there are four intermediaries on any land in Malabar. When my friend says 'resumption for personal cultivation' I want to know whom he means by the word 'landowner'. Can he say all these four persons are landowners and subject the security of the tenant to all these people? If all of them are to be granted 5 acres each for personal cultivation, and if the tenant is to be evicted, he will be deprived of every inch of his land. That is why my friend Mr. Gopalakrishnan was so very vehement that these tenants who have been on the property for twenty, thirty and forty years, will be driven into the streets as wage-earners if we are to apply the principle of land being resumed by the landowner, giving definition for 'landowner' as I have given just now. It is really a very dangerous proposition. Any amount of benefit that you confer on the tenant will fail unless he is given the right to cultivate his land so long as he pays the rent. Sir, my friend read section 10; I want him to read sections 14 and 20, the sections by which the tenant's security can be defeated. We do not quarrel with any of the other rights of the landlord; we only say that the tenant's security should not be interpreted in any

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limited sense. It is a very important point in favour of the tenant, and without a proper provision in that regard, his position will become completely insecure.

"At the time of the discussion of the previous Bill, it was stated that such a provision would offend Article 19 of the Constitution. A good reply to that argument was no doubt given; I may add that we are not asking the Government to give him complete security and not to evict him in any way whatsoever. For instance, if he does not pay the rent, if he is in collusion with another person, or if he denies the right of the landlord, and for a hundred of other such reasons, he is liable to be evicted. Therefore I submit that no question of expropriation of rights can come in the way of bringing forward a provision conferring security of tenure on the tenant.

"Then, Sir, with respect to the machinery that is contemplated for fixing the fair rent, I submit it is certainly obligatory on the part of the State to compulsorily fix the fair rent. It has been stated by Mr. Raghavendra Rao throughout his report that it is the function of the State to fix such fair rent. Somebody stated that this process of fixing the fair rent would take a very long time. Even for that, a remedy is suggested in the report itself. Rack-renting to a very high degree is prevalent in the Walluvanad and Palghat taluks of Malabar. This House and the Minister, I am sure, will attach sufficient importance to the opinion of experts on this question of rackrenting. A recent American expert visited Walluvanad and Palghat and also Tanjore, and he has observed that in all these three places, the existing rent is 75 per cent of the gross produce. I would request the House to remember that this observation was made in the year 1952. According to the 1930 Bill itself, the share of the landlord was fixed at two-thirds of the net produce and in the 1950 Bill, it was fixed at half. It shows that in spite of the provision made in the 1930 and 1950 Bills, no tenant availed himself of the provision regarding fair rent. Of course no tenant can afford to displease his landlord, as Mr. Raghavendra Rao said; otherwise, he would be turned away from his holding. For the matter of that, even if you provide to-day that a tenant need not pay any rent at all, the landlord would somehow exact a good amount if only he is given the right to evict the tenant.

"One surprising thing here is that though the tenant is given the right to apply for fixation of fair rent, if an agreement is come to between him and the landlord, he must abide by it. For instance, if a landlord tells a tenant 'I would sue you for eviction unless you put your signature to this contract fixing the fair rent at Rs. 300' no tenant can dare refuse him; and that is the vicious provision we find incorporated here.

"Then again, I find that section 52-A is now being repealed. (At this stage Mr. Speaker sounded the gong.) I shall finish in a minute or two, Sir. The provision in that section was conceded only as a result of long years of struggle. When for the first time the first serious agitation for tenancy reform was started, all the

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janmis converted their lease deeds into mortgages. They were so converted in hundreds and thousands. That section empowered the court to . . ."

MR. SPEAKER :—" I have already allowed the hon. Member more than half an hour. Mr. Krishnan will now speak."

* SRI R. KRISHNAN :—" Mr. Speaker, Sir, മലബാറിലെ കൃഷിക്കാരുടെ നിരന്തരമായ പ്രക്ഷോഭത്തെയും ആവശ്യത്തെയും മാനിക്കാതെ ജന്മിയായ ഒരു അംശം ക്ഷേമത്തിൽ കൊണ്ടുവന്നിട്ടുള്ള ഒരു ബില്ലാണിത്ത്. ഒരേറ്റന നോട്ടത്തിൽ മനസ്സിലാക്കുവാൻ സാധിക്കും. കൃഷിത്തു പൊതുവിൽത്തന്നെ തുടന്നാണ് കൃഷിത്ത മന്ത്രി സഭ പാസ്സാക്കിയ ബില്ലിന് നിർദ്ദേശമുണ്ട്. പക്ഷെ ഒരു കൊല്ലംകാലത്തിലധികം നീണ്ടു നിന്നതിനാലേക്കും വളരെ ഗൗരവമേറിയ ആലോചനകൾക്കുശേഷം കൊണ്ടു വന്നിട്ടുള്ള ഈ ബിൽ കൃഷിത്ത ബില്ലിന് നിന്ന് ഒരു ഇഷ്ടപോലും ഉണ്ടോട്ട് പോയിട്ടില്ല. എന്തെല്ലാം വളരെ അധികം പരിത്യാപകമാണ്. മലബാറിലെ ജനങ്ങൾ വളരെ അധികം പ്രാദേശികമായിട്ടുള്ള കാര്യങ്ങളിൽനിന്ന് ഒരു ബില്ലാണിട്ട്. ബഹുമാനപ്പെട്ട നിയമ മന്ത്രി ശ്രീമാൻ കെ. കൃഷ്ണൻ നായരുടെ നേതൃത്വത്തിൽ മലബാറിൽ നിന്ന് എല്ലാ പാട്ടികളിലും പെട്ടെന്നു എം. എൽ. എ. മാർ കണ്ടാലിയേക്ക് നിശ്ചയിച്ച സംഗതികളിൽ കാര്യമായവ ഒന്നാണെന്നു ഈ ബില്ലിൽ കൊണ്ടുവന്നിട്ടില്ല. എന്തെല്ലാം ഈ കോൺഗ്രസ്സ് ഗവണ്മെന്റിന്റെ ജനാധിപത്യ വിരുദ്ധ സാമ്രാജ്യത്വം കൊണ്ടുവന്നിട്ടുള്ള ഒരു പൊക്കിക്കാണിക്കുന്നു. മലബാറിലെ ബഹുജനങ്ങളെയും എത്രയും ഹരജികളും മെമ്മോറണ്ടങ്ങളും ഈ പുതിയ കെ. കൃഷ്ണൻ നായർ പ്രവേശനം ഉന്നിതമായിരിക്കണം എന്ന് ചൂണ്ടിക്കാണിച്ചു കൊണ്ടുള്ള ഗവണ്മെന്റിന്റെ കീഴ്വരങ്ങളാണ് ആങ്ങൾ അറിയുന്നത്. എല്ലാ താല്പരകളിൽനിന്നും കർഷക സാമൂഹികൾ ഇത്തരത്തിലുള്ള നിഷ്പ്രദങ്ങൾ അയച്ചിട്ടുണ്ട്. മലബാറിൽ എല്ലാ കർഷകരിലും പെട്ടു എം. എൽ. എ. മാർ ഇതിനെ പറ്റി നിഷ്പ്രദങ്ങൾ സമർപ്പിച്ചിട്ടുണ്ട്. ശ്രീമാൻ ഗോപാല മേനോൻ കൃഷിക്ക് മറ്റു എല്ലാ കോൺഗ്രസ്സ് എം. എൽ. എ. മാർ ഈ ബില്ലിൽ പ്രതിഷേധം ഉണ്ടെന്നാണ് എനിക്ക് മനസ്സിലാക്കുവാൻ സാധിച്ചത്. യഥാർത്ഥത്തിൽ ഇത് മലബാറിലെ ജനങ്ങൾക്കുവേണ്ടിയുള്ള ഒരു ബില്ലല്ല, കൃഷിക്കാർക്കുവേണ്ടിയുള്ള ഒരു ബില്ലല്ല, ജന്മിത്വത്തെ അന്തരീക്ഷം നിർവാഹിച്ച ഒരു ബില്ലാണ് എന്നു പറയേണ്ടിവരും. മലബാറിലെ കൃഷിക്കാർ ന്യായമായ ആവശ്യങ്ങൾക്ക് പ്രക്ഷോഭം സംഘടിപ്പിക്കുന്ന സമയത്ത് ഇതാ പുതിയ ബില്ലു വരുന്നത് കുറ്റകൃത്യം കാണുന്നതിൽക്കൂടും എന്നുപറഞ്ഞ് പ്രക്ഷോഭത്തെ തണുപ്പിക്കുകയാണ് ഗവണ്മെന്റിന്റെ പരിധായ നയം. അങ്ങനെ ഒരു രണ്ടു കൊല്ലം നീട്ടി കൊണ്ടു പോയതിനാലേക്കും ഇപ്പോൾ ബില്ലു ഒരു സെലക്ട് കമ്മിറ്റിക്ക് വെക്കുകയാണ്. ഇനിയും ബില്ലു പാർലമെന്റിലേക്കു വന്നാൽ ഒരു രണ്ടു മാസം പിടിക്കും. ഇതിന് ശേഷം അധികരിച്ച പാട്ടും കെട്ടിപ്പിക്കാനുള്ള വ്യവസ്ഥകളും അടങ്ങുന്ന ഒരു ബില്ലു കെട്ടിപ്പറയേണ്ട തലയിൽവെച്ചു കെട്ടുകയാണ് ചെയ്യുക. ഇതാണ് കോൺഗ്രസ്സ് ഗവണ്മെന്റിന്റെ നയം എന്ന് വളരെ അധികം വ്യക്തമായിക്കഴിഞ്ഞു. മലബാറിൽ ഇന്ന് നാലായിരത്തിലധികം കെട്ടിപ്പറയേണ്ട കേസുകൾ കോടതികളിൽ നിലവിലുണ്ട്. മോട്ടോർ പതു ലിപസേന ചൂണ്ടിക്കാണിക്കുന്ന എത്രയും അധികം കെട്ടിപ്പറയേണ്ട കേസുകൾ കോടതികളിൽ നിലവിലുണ്ടെന്ന്. ഇത്തരംതന്നെ വകവെക്കാനെ കെട്ടിപ്പറയേണ്ട കെട്ടിപ്പറയേണ്ട എന്ന വ്യവസ്ഥയോടുകൂടി മലബാറിലെ കൃഷിക്കാർക്ക് അപകടപ്പെട്ടുത്താൻ കൊണ്ടുവന്നിട്ടുള്ള ബില്ലിനെ സ്വീകരിക്കുവാൻ ആങ്ങൾക്ക് നിവൃത്തിയില്ല. പക്ഷെ ഇന്ന് പി. എസ്. വി. എ. എൽ. എ. മാർഗ്ഗപാല ആങ്ങൾ ഈ സെലക്ട് കമ്മിറ്റിയിൽ സഹകരിക്കാതെ ഇരിക്കുന്നില്ല. സംഗതി എന്താണെന്നുവെച്ചാൽ ഈ ബില്ലിന്റെ നാനാഭാഗങ്ങളെയും നാട്ടുകാർ വിവിധിച്ച് കൊടുത്തശേഷം അവരുടെ അഭിപ്രായങ്ങൾ അറിഞ്ഞ് അതു സെലക്ട് കമ്മിറ്റി മെമ്പർമാർക്ക് അറിയിക്കുവാൻ ഈ അവസരം ഉപയോഗിക്കാമല്ലോ? എന്നിട്ടും ഈ ബില്ലു ഇത്തരം നിയമമായി വരികയാണെങ്കിൽ തീർച്ചയായും ആങ്ങൾക്ക് സർവ്വേശ്വര്യം ഉപയോഗിച്ച് എത്രയേണ്ടതായി വരും. ഈ ബില്ലു മലബാറിലെ കൃഷിക്കാരുടെ കഷ്ടനഷ്ടങ്ങൾക്ക് ഒരു നിവാരണ വരുത്തുവാൻ പറ്റാത്തല്ല. കൃഷിക്കാരുടെ പ്രധാന ആവശ്യങ്ങൾ എന്താണ്? ഒന്നാമതായി അവർക്ക് ഭൂമിയിൽ സ്ഥിരവകാശം കിട്ടണം. അന്തർനിമിഷിയാണത്. രണ്ടാമത്തേതു പാട്ടും മറ്റും പൊതുമാണു. ഇന്ന് ജന്മിയുടെ പിടിച്ചുപറ്റിക്കൊണ്ടു

[Sri R. Krishnan] [2nd April 1953]

12-40 P.m. കൂടിക്കാർ പാപ്പരാണ്, കടക്കാരാണ്. അദ്ധ്വാനിച്ചുണ്ടാക്കുന്ന മുഴുവൻ നെല്ലും പാട്ടു മാഴിട്ടും, പറവാശിയായിട്ടും, കാഴ്ചവെച്ചിട്ടും പട്ടിണിയായി കഴിഞ്ഞുകൂടുന്ന മലബാറിലെ പാവപ്പെട്ട കൂടിക്കാർ അവരുടെ പാട്ടുള്ളവ് ചെയ്യുകിട്ടണം എന്നു പറയാൻ തുടങ്ങിയിട്ട് കാലം കുറച്ചായി. 1951 ലെ ബില്ലിൽ ഒരു ഏക സമലത്തിന് 22 പറ നെല്ലാണ് കൂടിചെയ്യ് നിശ്ചയിച്ചത്. നാല്പ്പത്തിരണ്ടു പറ നെല്ലെങ്കിലും കൂടിചെയ്യുവാൻ കിട്ടണം എന്നാണ് കൂടിക്കാരുടെ ആവശ്യം. മലബാർ കിസാൻ സഭയുടെ അഭിപ്രായം 30 പറയെങ്കിലും വകയിരുത്തണമെന്നാണ്. കഴിഞ്ഞ 1951 ലെ ബില്ലിലെ മയ്യാദപാട്ടം വാസുവത്തിൽ മയ്യാദപാട്ടമല്ല. ജന്മിമാർക്ക് പഴയപടി കടിയാന്മാരിൽ നിന്ന് പിടിച്ചുപറിക്കുവാൻ ഉള്ള സൗകര്യങ്ങളും ഭൂരിപ്പിടവാങ്ങുള്ള സൗകര്യങ്ങളും നില നിൽക്കുകയാണ് അത് ചെയ്യുന്നത്. ജന്മിക്ക് സ്വന്തം കൂടിനടത്താൻ ഉത്തമ വിശപ്പാസത്തിൻമേൽ ഭൂരിപ്പിടവാങ്ങുള്ള ആയിരക്കണക്കിൽ കേസ്സുകൾ ജന്മിമാർ ഹയൽ ചെയ്യുകൊണ്ടിരിക്കുന്നുണ്ട്. പാട്ടമ്പാക്കിയുടെ കാര്യത്തിൽ അഞ്ചാറു കൊല്ലത്തെ പാട്ടമ്പാക്കി കൊടുക്കണം എന്നു പറയുന്നു. ജന്മിമാർ കൊടുത്ത പാട്ടത്തിന്നു തന്നെ രശീദി കൊടുക്കാതെ വീണ്ടും പാട്ടമ്പാക്കിയുടെ പേരിൽ കേസ്സ് കൊടുത്തു കൊണ്ടിരിക്കുകയാണ്. കഴിഞ്ഞ മകരവിള തിരെ ഉണങ്ങി പോയതിനുള്ള പാട്ടമ്പാക്കികൂടി കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുന്നു. കഴിഞ്ഞ കന്നിയിലെ വീരപ്പ് വിള നശിച്ചുപോയിട്ടുണ്ടെന്ന് കേക്കറകമ്മിററൂടി ഗവണ്മെന്റിലേക്ക് റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്. ആ പാട്ടം കൊടുക്കാൻ കഴിയാത്ത കടിയാന്മാരുടെ പേരിലും കേസ്സുകൾ കൊടുത്തുകൊണ്ടിരിക്കുന്നു. അങ്ങിനെ മലബാറിൽ എവിടെ നോക്കിയാലും പാട്ടമ്പാക്കിയാണ്. ഈ പാട്ടമ്പാക്കി കൊടുക്കണം എന്ന് വ്യവസ്ഥ ചെയ്യുകയാണെങ്കിൽ ഭൂമിയിൽ സ്ഥിരവകാശം കൊടുക്കുകയാണെങ്കിൽ കൂടി മലബാറിൽ കരോറ കൂടിക്കാരനും ഈ ബില്ലിന് നിയമമാകുന്ന തീയതി മുതൽ അവിടെ നില്ക്കുവാൻ സാദ്ധ്യമല്ല. തീർച്ചയായും മുഴുവൻ ഭൂമിയും പാട്ടമ്പാക്കിയുടെ പേരിൽ കൂടിക്കാരുടെ കൈയിൽ നിന്ന് ജന്മിമാരുടെ കൈയിലേക്ക് നീങ്ങുവാൻ പോകുകയാണ്. അങ്ങിനെ മലബാറിലെ കൂടി സമ്പ്രദായം തന്നെ പാടെ തകരുവാൻ പോവുകയാണ്. ഇതിന് എന്തായി ശക്തിമത്തായ ഒരു ബഹുജന പ്രസ്ഥാനം മലബാറിൽ ഇളകിവരുവാൻ പോകുന്നുണ്ടെന്ന സൂചന അതിന്റെ ബീജം ഈ ബില്ലിൽ ഉണ്ട്. ബഹുമാനപ്പെട്ട മന്ത്രി ശ്രീമാൻ കട്ടികൃഷ്ണൻ നായരും ഇവിടെയുള്ള കോൺഗ്രസ്സ് എം. എൽ. എ. മാർ പ്രധാന മന്ത്രിയും ഈ കാര്യത്തിൽ ശ്രദ്ധവെച്ച് അടിയന്തരമായി, ഈ ബില്ലിൽ കൂടിക്കാർക്ക് അനുക്രമമായ മാറ്റങ്ങൾ വരുത്തിക്കൊണ്ട് സമീകരിക്കണം എന്നാണ് എനിക്ക് അവസാനമായി പറയുവാനുള്ളത്."

* SRI A. APPU :—" Mr. Speaker, Sir, we are only four members from the Congress benches from Malabar; one is the Hon. Mr. Kuttikrishnan Nair and the others are Sri Gopala Menon, Sri Sankaravarma Raja and the other is myself. Sankaravarma Raja is a big landholder and Sri Gopala Menon too is a landholder. So far as I know, the Hon. Minister, Kuttikrishnan Nair, is also a landholder. But, I am a poor tenant. I belong to a very poor family and my family holds lands under Nambudiri janmis. I am not a tenant of the famous E. N. Sankaran Nambudiripad, but we own lands belonging to his brother. They have been very good to the tenants and there is no rackrenting and we are treated very kindly. But I am sorry that middle-class jenmis are troubling their tenants very much."

SRI M. NARAYANA NAMBIAR :—" On a point of order, Sir, the hon. Member, Mr. Appu is saying that he is a tenant of Sankaran Nambudiripad. He is not a landholder and he has no inch of property."

MR. SPEAKER :—" That is not a point of order."

SRI A. APPU :—" I did not say I am the tenant of Sankaran Nambudiripad, but of his elder brother. He is a very good janmi!"

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If all the janmis are like him there is no necessity for any such tenancy legislation. But there are other janmis who treat the tenants very cruelly.

" Sir, this is not the occasion to deal with the Bill on its merits. The Hon. Law Minister has moved a motion referring the Bill to a Select Committee. On the Select Committee we can examine the pros and cons of the question. I am only sorry that my Friend, Mr. Narayana Kurup, has refused to be a member of the Committee. He is a gentleman who has studied the question very thoroughly. The Hon. Law Minister has mentioned the names of the members of the Select Committee, but I am sorry that his name is not there because his leader and the other members of his party refused to co-operate in regard to this Bill. If Mr. Narayana Kurup agrees to serve on the Committee I am prepared to request the Hon. Minister to delete my name, because as I said already he has made a special study of the subject.

" Sir, I do not wish to make a long speech but I wish only to make a few observations. The Bill in its present form will not do any good to the tenants and it requires amendment. What I wish to submit is, the tenants should be given fixity of tenure; at the same time, we should give fair rent to the janmis. This is my humble view.

" Another question is in regard to ulkudidars. I am sorry to submit that the provision in the Bill is not at all sufficient. Mr. Gopala Menon comes from an area where there are a large number of ulkudidars. I understand that he himself has a number of ulkudidars. Last August when we had an opportunity to discuss about this Bill with the Hon. Chief Minister I represented that they should be given relief. Mr. Gopala Menon said that ulkudidars should not be given any right at all. I told the Hon. Chief Minister that the ulkudidars there are treated as watchdogs. But, Mr. Gopala Menon and others interested said that I do not know anything about the conditions of ulkudi in Ponnani taluk. I went to Guruvayur a place which is full of ulkudis and I consulted several ulkudidars. The cases of hardship they gave me were very many. In fact, one old gentleman said ' we can suffer anything but the poor girls in our houses are not safe ' I am ashamed to say all that the landlords do. I would therefore say that the ulkudidars also should be given some rights. It was on the suggestion of the Hon. Chief Minister that the provision relating to three years notice to be given to the ulkudidars has been embodied in the Bill and I am very grateful to the Hon. Minister for it. I represented to the Hon. Chief Minister, ' So long as you are the Chief Minister we will get an enactment which will be acceptable to both the janmis and the tenants ' and for that little provision regarding ulkudidars alone the whole of Malabar should be grateful to the Hon. Chief Minister.

" Sir, we are also grateful to the Hon. Chief Minister for another thing. A big staff was appointed for determining fair rent. They asked the poor tenants to produce this document and

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that document. We made representations about it to the Hon. Chief Minister and he heard us patiently. As a result of the discussion he immediately said, 'we will recall that staff.' For that also we, Malayalees, are very grateful to him.

"Sir, I was not prepared for a speech because I never thought that I will be given an opportunity to make a speech now. I thought we would get an opportunity in the Select Committee and then when the Bill finally comes to the Assembly for consideration we will be given opportunities to speak on the provisions of the Bill. But when I found other members were speaking I thought I should also speak; otherwise I would be misunderstood. I only want to make this submission to the House. I hope the Hon. Chief Minister, the Hon. Law Minister and the other members who are on the Select Committee will consider the grievances of the tenants of Malabar and revise the Bill accordingly. Thank you, Sir."

12-50 * SRI E. K. SANKARA VARMA RAJA :—"Mr. Speaker, p.m. Sir, my Friend Mr. Appu remarked that I was a big landlord. I was born in a royal family, but I do not pose that I am a big landlord. If I want to become a big landlord, I am afraid that ten more people will have to die in my family. I am one of those who work hard and labour for their livelihood. So let not people misunderstand that I am a big man.

"Coming to the Bill, I am of opinion that fixity of tenure must be given to the actual cultivating tenant. As Mr. Narayana Kurup said, there are ever so many intermediaries in Malabar, who are collecting a high rent from the actual cultivator. The janmi leases his land to a tenant, the tenant leases to a sub-tenant and thus the chain goes on. But the janmi gets only very little. For instance, for a coconut garden which yields between 5,000 and 10,000 coconuts a year, the janmi gets only Rs. 2 or 3 per year excluding the revenue. The intermediaries are enjoying a greater portion of the benefit. Very little is left to the actual cultivating tenant after he pays to the intermediaries. I am of opinion that the actual cultivating tenant must be given permanency, and the Government must give him some protection in this regard.

"I am against eviction. We are all citizens of the Indian Union, and if one is asked to go away from a house in which he has been living for three years, it is unpardonable. Where is he to go? He must have some house provided by the Government, the landlord, the intermediary or whoever it is.

"To study the Bill thoroughly, it will take some time. I will have my say on the Bill after studying it thoroughly."

* SRI KUNHI MOHAMED SHAFEE :—"Mr. Speaker, Sir, ഈ ബില്ലിനെ സംബന്ധിച്ച് എന്റെ കക്ഷിയുടെ അഭിപ്രായം ഏതാറും നിരസാജനകവും വളരെ അനുകൂലവും ആണെന്നുള്ളത് ഞാൻ ചുരുക്കമായിക്കൊള്ളട്ടേ. വാസ്തവത്തിൽ മലബാറിൽ വളരെക്കാലമായി നൂടന പ്രജ്ഞാഭേദം കൊണ്ട് കടിയായ് സ്ഥിരാവകാശം നൽകുന്നതും ജന്മിക്ക് കഴിപ്പിക്കാൻ ഉള്ള അവകാശം നിയന്ത്രിക്കുന്നതുമായ ഒരു ബില്ല്—ആ നാളിൽ അസാധ്യം കൂടുതൽ കഴിക്കാൻ തക്കവിധത്തിലുള്ള ഒരു ബില്ല്—അവതരി

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കുറച്ചും എന്നായിരുന്നു ആങ്ങൾ പ്രശീകരിച്ചിരുന്നത്. ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായർ ഉൾപ്പെടെയുള്ള മലബാറിലെ എം.എൽ.എ. മാരായ ആങ്ങൾ നടത്തിയ ഒരു ഇൻഫർമൽ കൂടിയാലോചനകൊണ്ടു ആങ്ങൾ ധരിച്ചതും അങ്ങിനെയായിരുന്നു. ആ കൂടിയാലോചനയിൽ നിലവിലുള്ള നിയമത്തിലെ 14-ാം 20-ാം വകുപ്പുകളെ സംബന്ധിച്ച് ഉള്ള ആലോചനകൾക്ക് അധികസമയം എടുക്കുകയുണ്ടായത്. അതിനെ സംബന്ധിച്ച് വിവിധങ്ങളായ അഭിപ്രായങ്ങൾ ഉന്നയിക്കപ്പെടുകയും ഉണ്ടായി. ഈ വക കാര്യങ്ങളെല്ലാം ആലോചിച്ച് തൃപ്തികരമായ ചില വ്യവസ്ഥകൾ പുതിയ ബില്ലിൽ കൊണ്ടു വരാൻ തീരുമാനിച്ചതായി ആങ്ങൾ ധരിക്കുകയും ചെയ്തു. നിദാഗ്രവശാൽ ഈ രണ്ടു വകുപ്പുകളെ സംബന്ധിച്ചും യാതൊരു മാറ്റങ്ങളും ഈ പുതിയ ബില്ലിൽ വരുത്തിയിട്ടില്ല എന്നു വ്യസനത്തോടെ പറയേണ്ടിയിരിക്കുന്നു. ശ്രീമാൻ ഗോപാല മേനോൻ സ്ഥിര വകാശം ലഭിക്കുന്നതിനുള്ള വ്യവസ്ഥ നിയമത്തിലെ 10-ാം വകുപ്പിലുണ്ടെന്നു ചൂണ്ടിക്കാണിക്കുന്നു. ഇത് കേരളസഭാ മലബാറിലെ സഭാമണ്ഡലം അറിയുന്ന ആങ്ങൾക്ക് വളരെ അത്ഭുതവും വ്യസനവുമാണുണ്ടാകുന്നത്. ഇന്ന് മലബാറിൽ നാലയ്യായിരം കുതിപ്പിടം വ്യവഹാരങ്ങൾ പുതുതായി കോടംകിട്ടിൽ ഫയലാക്കിയിട്ടുണ്ടെന്നുള്ള സംഗതി വിസ്മയിപ്പിക്കാൻ പാടുള്ളതുല്ല. ഈ കുതിപ്പിടം വ്യവഹാരങ്ങളിൽനിന്നു രക്ഷ നേടാൻ 10-ാം വകുപ്പ് കടിയാനെ എത്രത്തോളം സഹായിക്കുന്നുണ്ടെന്നു ഞാൻ ചോദിച്ചു കൊള്ളട്ടെ. 52-A എന്ന വകുപ്പ് വേണ്ടെന്നുവെക്കുന്നത് കടിയാനെൻ ഗുണത്തിന്നാണോ? ഈ പുതിയ ബില്ലിൽ കടിയാനാക്ക് കോടമായ കാര്യങ്ങൾ എന്തെല്ലാമാണെന്ന് ഞാനും ചൂണ്ടിക്കാണിച്ചിട്ടില്ല എന്ന് ശ്രീമാൻ ഗോപാല മേനോൻ പറയുമ്പോൾ എന്തെല്ലാം ഗുണകരമായ കാര്യങ്ങളാണ് ഈ ബില്ലിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളതെന്ന് ഒരു പോലും മുമ്പേ അദ്ദേഹത്തോടു ചോദിക്കാൻ തോന്നുന്നു. യഥാർത്ഥത്തിൽ ഏൻറ കക്ഷിയുടെ അഭിപ്രായം മലബാറിൽ അസാധാരണവും കൂടുതലും കൂടാതെ സമാധാനത്തോടു എശപത്യത്തോടുകൂടി പുരോഗതിയിലേക്ക് പോകുന്നതിന് ഉതകുന്ന ഒരു അന്തരീക്ഷം സൃഷ്ടിക്കുവാൻ പര്യാപ്തമായ ഒരു നിയമം കൊണ്ടുവരണം എന്നാണ്. ഈ ബില്ലു് അതന്നു പര്യാപ്തമല്ല എന്നുള്ളത് വളരെ വേദനാജനകമായ ഒരു സംഗതിയാണ്. ജന്മികളെ തീരെ അവഗണിച്ച് കടിയാനാക്ക് മാത്രം ഗുണം ചെയ്യണം എന്ന് എൻറ കക്ഷിക്ക് അഭിപ്രായമില്ല; ഇതുകൂടാതെ സുഖമായ ജീവിതം വാറുള്ള ഒരു അന്തരീക്ഷം സൃഷ്ടിക്കുവാൻ കഴിയും വ്യവസ്ഥകൾ ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിക്കണം എന്നുമാത്രമാണ് ഞങ്ങൾ ആവശ്യപ്പെടുന്നത്. ജന്മികൾ കൂടാതെ കഴികയില്ലെന്നും കടിയാനാ കൂടാതെ കഴിയുമെന്നും ഉള്ള ഭൂമികളെ മാത്രം കുതിപ്പിക്കാൻ അവകാശം നൽകുന്നതരത്തിൽ കുതിപ്പിക്കുവാനെ നിയന്ത്രിക്കുന്ന വ്യവസ്ഥകൾ ബില്ലിൽ ഉൾക്കൊള്ളിക്കണം. മലബാറിലെ ഇന്നത്തെ കലണ്ടിമറിയത്തു കാരാക്കി സാധാരണയെ കൂടുതൽ കൃഷ്ണത്തിലേക്ക് വലിച്ചിടാതെ ആ ലഭ്യമായ സമാധാനവും ഐശ്വര്യവും ഉള്ള സ്ഥിതിഗതിയിലേക്ക് നയ്ക്കുവാൻ ഇടയാക്കത്തക്ക മാറ്റങ്ങൾ ഈ ബില്ലിൽ സെലക്ട് കമ്മിറ്റി വരുത്തണമെന്ന് എനിക്ക് അപേക്ഷയുണ്ട്. മലബാറിലെ എല്ലാ നിയമസഭാ മെമ്പർമാരും ഉൾക്കൊള്ളുന്നവ്യക്തികൾ ഈ സെലക്ട് കമ്മിറ്റി വിപുലമാക്കുന്നതിനുള്ള ഏർപ്പാടുകൾ ചെയ്യണമെന്ന് വളരെ വിനീതമായി അഭിപ്രായപ്പെട്ടു കൊള്ളട്ടെ. വാസ്തവത്തിൽ വിവിധവിഭാഗങ്ങളെ പ്രതിനിധീകരിക്കുന്ന ജനപ്രതിനിധികൾ ഈ നിയമ സഭയിൽ ഉള്ളതുകൊണ്ട് അവരുടെ അഭിപ്രായങ്ങൾ മൂന്നു പറഞ്ഞു ഈ ബില്ലിൽ വേണ്ടപ്പെട്ട മാറ്റങ്ങൾ വരുത്തിത്തീർക്കുവാൻ സെലക്ട് കമ്മിറ്റിയിൽ അമരമെടുത്ത സാന്നിദ്ധ്യം അത്യാവശ്യമാണെന്നു ഞാൻ കരുതുന്നു."

MR. SPEAKER:—"The Member's time is up . . ."

* SRI O. KORAN:—"Mr. Speaker, Sir, ഇപ്പോൾ ഈ യോഗത്തിന്റെ 1 p.m. മുമ്പാകെ വന്നിട്ടുള്ള മലബാർ കടിയാനാ ബില്ലിനെ സംബന്ധിച്ചു മലബാറിലെ എല്ലാ അംഗങ്ങൾക്കും ശക്തിമത്തായ പ്രതിഷേധം ആണ് ഉള്ളതെന്നു ഇവിടെ പ്രകടിപ്പിച്ചു കഴിഞ്ഞു. എനിക്ക് ഇതിൽ പ്രധാനമായി ഒരു കാര്യം മാത്രമാണ് പറയാനുള്ളത്. മലബാറിൽ ഈ പുതിയ നിയമം വരുന്നതോടുകൂടി ഏതാണ്ട് മൂന്നു നാലു ലക്ഷം വരുന്ന ഹരിജനങ്ങളെ വെറും തെരുവുനഗ്നങ്ങളാക്കുന്ന വ്യവസ്ഥ ഈ നിയമത്തിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ടെന്നുള്ളതു വേദനയോടുകൂടിയും വ്യസനത്തോടുകൂടിയും പറഞ്ഞുകൊള്ളട്ടെ. കാരണം, ജന്മിമാർക്കു മൂന്നു കൊല്ലത്തെ നോട്ടീഫിക്കേഷനിൽ പാവപ്പെട്ടാലും ഹരിജനങ്ങളെ കടി കുതിപ്പിക്കുവാൻ നിയമം അനുവദിച്ചുകൊടുക്കുന്ന ഒരു വ്യവസ്ഥ ഈ പുതിയ നിയമം

[Sri O. Koran]

[2nd April 1953]

ത്തിൽ ഉൾപ്പെടുത്തിയിട്ടുണ്ടെന്നുള്ളത് അർക്കുതവ്യമായ ഒരു അപരായമാണ്. ഈ രാജ്യത്തിൽ രാവു പകലും അദ്ധ്വാനിച്ചുകൊണ്ടിരിക്കുന്ന ഒരു ജനവിഭാഗത്തെ നിട്ടാക്കിപ്പോയതിനെ ആട്ടി കാടിക്കുന്ന ഒരു വ്യവസ്ഥ നിയമത്തിൽ ഉൾപ്പെടുത്തിയതു അന്യായമാണ്. മഹാകവി ഭാരതി പറഞ്ഞുപോലെ 'ഉഴുവുക: തെഴിവുകയും വേണ്ട ചെന്തോ വീണിലുണ്ട് ഇരിപ്പോക്കു നിന്ദന ചെന്തോ.' പരിഷ്കൃതമായ ഒരു കാലഘട്ടത്തിൽ ആദ്ധ്വാനിക്കുന്ന ജനങ്ങളെ അവഗണിക്കുന്നത് ന്യായീകരിക്കുവാൻ നിവ്വാഹമില്ല. പണ്ഡിറ്റ് നെഹറുവിനെ പട്ടയവത്സര പദ്ധതിയിൽ പറയുന്ന അദ്ധ്വാനമാണ് രാജ്യത്തിന്റെ സമ്പത്ത് എന്ന്. ഹരിജനങ്ങൾ ഈ രാജ്യത്തിൽ അദ്ധ്വാനിച്ചു സമ്പത്തുണ്ടാക്കുന്നു. അങ്ങിനെയുള്ള ഒരു ജനവിഭാഗത്തെയാണ് ഈ പരിഷ്കൃത രാജ്യത്തിൽ ആട്ടി കാടിക്കാൻ ഉള്ള ഒരു വ്യവസ്ഥ ഈ നിയമത്തിൽ ഉൾക്കൊള്ളിച്ചിട്ടുള്ളത്. ഇന്നും ഹരിജനങ്ങൾ ഭൂരിമതങ്ങൾ അനുഭവിക്കുന്ന അടിമകളാണ്. അവരുടെ യുവതികൾക്കു ഇന്നു രക്ഷയില്ല. ജന്മിയുടെ താല്പര്യത്തിനു വഴിപ്പെടാതെ ഇന്നുമാർ കള്ളകേസുകൾ ഉണ്ടാക്കുന്നു. അതുകൊണ്ട് മൂന്നു കൊല്ലത്തെ നോട്ടീസ് കൊടുത്തു ഹരിജനങ്ങളെ ആട്ടി കാടിക്കാം എന്നുള്ള വ്യവസ്ഥ ഉൾപ്പെടുത്തിയതു അന്യായമായിട്ടുപോയി. ശ്രീമാൻ ഗോപാല മേനോന്റെ താല്പര്യത്തെ മുൻനിർത്തി മലബാറിലെ മൂന്നു നാലു ലക്ഷം വരുന്ന ഹരിജനങ്ങളെ ആട്ടി കാടിക്കാൻവേണ്ടി ഇങ്ങിനെ നിന്ദയും നികൃഷ്ടമായ ഒരു നിയമ വ്യവസ്ഥ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തിയത് എത്ര പ്രതിഷേധിച്ചാലും അധികമായിട്ടോ വ്യക്തിയല്ല എന്നു കണ്ടുകൂടി പറഞ്ഞുകൊണ്ട്, എന്നിട്ടു ഇതിനെപ്പറ്റി അഭിപ്രായം രേഖപ്പെടുത്തുവാൻ അവസരം തന്നതിന്നു നന്ദി പറഞ്ഞുകൊണ്ട്, ഞാൻ അവസാനിച്ചിട്ടു കൊള്ളുന്നു."

SRI VAVILALA GOPALAKRISHNAIAH:—"Sir, after hearing the discussion on this Malabar Tenancy Bill I feel everybody is convinced of the need to have a Province for Kerala, because of its problems . . ."

MR. SPEAKER:—"But they are not for it."

SOME HON. MEMBERS:—"We are for it, Sir."

* **SRI VAVILALA GOPALAKRISHNAIAH:**—"Sir, they are for it. Their agrarian problems are quite different from those of other areas. As we want to have a basic understanding for the whole country regarding agrarian problems, I think the whole Act must be revised. It should be taken up afresh and discussed, and no amending legislation will do. It must be on the lines of the Kumarappa Committee proposals. Otherwise the problems cannot be solved. If anybody should say that under the Five-Year Plan he proposes to do something and thereby produce more, I say there will be no production and no more production, because the lands are all in the hands of landholders. As Mr. Kurup said there are 26 intermediaries in Malabar Tenancy. There are very many absentee landlords. How can the poor peasant bear as many as 26 persons sitting over his head? It is quite impossible. He cannot plough the land nor get the yield. Therefore, let this Bill be circulated for eliciting public opinion. We can take up the comprehensive Bill later. I support the amendment to circulate the Bill for eliciting public opinion."

* **SRI M. NARAYANA NAMBIAR:**—"Mr. Speaker, Sir, ഇന്നിവിടെ അവതരിപ്പിച്ച ആട്ടി കാടിക്കുക മലബാറിലെ എല്ലാ വിഭാഗത്തിൽപ്പെട്ട ആളുകളും സംസാരിച്ചുകഴിഞ്ഞു. ഞാൻ കേട്ട പ്രസംഗത്തിൽ, ശ്രീമാൻ ഗോപാല മേനോന്റെ മറുപടി ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുമായി കണ്ടിട്ടില്ല. അതിലെ മിക്ക വ്യവസ്ഥകളെയും എല്ലാ കക്ഷികളും കമ്യൂണിസ്റ്റ് അംഗങ്ങളും കോൺഗ്രസ്സ് അംഗങ്ങളും പ്രജാ സോഷ്യലിസ്റ്റ് അംഗങ്ങളും സ്വതന്ത്രന്മാരും എല്ലാവരുംതന്നെ എതിർക്കുന്നു."

2nd April 1953]

[Sri M. Narayana Nambiar]

കയാണുണ്ടായിട്ടുള്ളത്. പിന്നെ ആക്ഷേപമേന്തിട്ടാണ് ഈ ബില്ല് അവതരിപ്പിച്ചിട്ടുള്ളതെന്നു മനസ്സിലാക്കുവാൻ പ്രയാസമായിരിക്കുന്നു. എന്നാൽ മലബാറിലെ ജന്മിമാർക്കു നൽകുന്നതോടൊപ്പംതന്നെ കാസർഗോഡ് താലൂക്കിലെ ജന്മിമാരെയും ഈ ബില്ല് കൊണ്ടുവന്നതുകൊണ്ട് ബഹുമാനപ്പെട്ട മന്ത്രി സഹായിച്ചിട്ടുണ്ടെന്നു വേണം പറയുവാൻ. എന്ദിയാ കാസർഗോഡ് താലൂക്കിനെപ്പറ്റിയാണ് പറയുവാനുള്ളത്. കാസർഗോഡിലെ ജനങ്ങൾക്കു കറെ കാലമായി ഒരു കടിയായ നിയമത്തിനുവേണ്ടി പ്രക്ഷോഭം കൂട്ടിക്കൊണ്ടിരുന്നു. കാസർഗോഡിലെ ഭൂവ്യവസ്ഥയും മലബാറിലെ ഭൂവ്യവസ്ഥയും തമ്മിൽ വലിയ വ്യത്യാസം ഇല്ല എന്നു ആക്ഷേപത്തെ അറിയാവുന്ന ഒരു പരമാർത്ഥമാണ്. 1937 ൽ കോൺഗ്രസ്സ് അധികാരത്തിൽവന്നപ്പോൾ ഇന്നത്തെ മുഖ്യമന്ത്രി അന്നത്തെ പ്രധാന മന്ത്രിയായിരുന്നപ്പോൾ മലബാർ കടിയായ നിയമത്തിന്നു ഭേദഗതികൾ ചെയ്തുവാനുവേണ്ടി ശ്രീമാൻ കുട്ടികൃഷ്ണ മേനോന്റെ അദ്ധ്യക്ഷതയിൽ ഒരു മലബാർ കടിയായ അന്വേഷണസമിതിയെ നിയമിക്കുകയും ആ കമ്മിറ്റിയുടെ അന്വേഷണത്തിൽ കാസർഗോഡ് താലൂക്കിലെ 46 ഗ്രാമങ്ങളിൽ മലബാറിലെ ഭൂവ്യവസ്ഥയാണുള്ളതെന്നും വ്യക്തമാക്കിയിട്ടുണ്ട്. മാത്രമല്ല തെക്കൻ കണ്ണാടക ജില്ലയിലെ റവന്യൂ അധികാരികൾ ഏതാണ്ട് 52 ഗ്രാമങ്ങളിൽ ഇതു വ്യവസ്ഥയാണുള്ളതെന്നു റിപ്പോർട്ട് ചെയ്തു. ശ്രീമാൻ മാധവ മേനോൻ കഴിഞ്ഞ മന്ത്രിസഭയിൽ ഈ ഭേദഗതി നിയമം അവതരിപ്പിച്ചുകൊണ്ട് ചെയ്ത പ്രസംഗത്തിൽ ഇതു വ്യക്തമായി പറഞ്ഞിട്ടുണ്ട്. എന്നാൽ പിന്നെ അവിടുത്തെ ചില സ്ഥാപിത താല്പര്യക്കാരെ ആവശ്യത്തിന്നു വഴിയില്ലാത്ത 19 ഗ്രാമങ്ങൾ അതിർത്തി എടുത്തുകൊടുക്കണമെന്നായിരുന്നു. ഈ ബില്ല് കൊണ്ടുവന്നപ്പോഴും ഈ 52 ഗ്രാമങ്ങളെ ബാധിക്കും എന്നു ആ നാട്ടിലെ കൃഷിക്കാർ പ്രവീക്ഷിച്ചിരുന്നു. എന്നാൽ, അവർ നിരാശയോടുകൂടി ആണ് ഈ ബില്ല് നോക്കുന്നത്. നീക്കംചെയ്യാൻ സാധിക്കാത്ത ഒന്നായിട്ടാണ് ആൻ ഇതിനെ കണക്കാക്കുന്നത്. ഇങ്ങിനെ ചെയ്തത് അവിടുത്തെ കൃഷിക്കാരുടെ ചെയ്ത ഏറ്റവും വലിയ അനീതിയാണെന്നു പറയേണ്ടിയിരിക്കുന്നു. കൃഷിക്കാർ സ്ഥിരമായൊരു കടിയുണ്ടെന്നു തയ്യാറാക്കിയപ്പോൾ ഈ ബില്ല് അവതരിപ്പിക്കുന്നതെന്നു ചെയ്തതെല്ലാ കള്ളമായിപ്പോയി എന്നു പറഞ്ഞുകൊണ്ടിട്ടുണ്ട്. കഴിഞ്ഞ പ്രാവശ്യം നെൽകൃഷിക്കമ്മിറ്റി കാസർഗോഡ് സന്ദർശിച്ചിരുന്നപ്പോൾ കാസർഗോഡ് താലൂക്കിലെ മേൽ പ്രസ്താവിച്ച 19 ഗ്രാമങ്ങളിലുള്ള അയ്യായിരത്തിൽപരം കൃഷിക്കാർ ഒരു നിവേദനം സമർപ്പിച്ചു എന്നു മാത്രമല്ല അവിടെ ചേർന്ന ഒരു പൊതുയോഗത്തിൽവെച്ചു ഈ നിയമം കാസർഗോഡ് താലൂക്കിലേക്കു ബാധകമാക്കേണ്ടതു ആവശ്യമാണെന്നു മന്ത്രി മാധവ മേനോൻ പ്രഖ്യാപിക്കുകയും ചെയ്തു. അദ്ദേഹം പിന്നെ ഇതു മറക്കുകയാണായതു്. ഇന്നത്തെ നിയമമന്ത്രി ശ്രീമാൻ കുട്ടികൃഷ്ണൻ നായർ അവിടുത്തെ കൃഷിക്കാരുടേയും ജനങ്ങളുടേയും അഭിപ്രായങ്ങൾ ആരായുകയും ആ ഗ്രാമങ്ങൾക്കു ഈ നിയമത്തിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തുകയും ചെയ്യേണ്ടതാണ്. എല്ലാ റിപ്പോർട്ടുകളും ഇതിന്നു അനുരൂപമായിരിക്കെ ഈ ഗ്രാമങ്ങൾക്കു ഉൾപ്പെടുത്തണം എന്ന് ആൻ വിശ്വസിക്കുന്നു."

* SRI T. NAGI REDDI:—"Sir, this is the second tenancy Bill that has come before this House for discussion. There seems to be a different approach by the Members to this Bill. When the Tanjore Tenancy Bill was discussed, there was an amount of satisfaction that a great step forward has been taken, and there was also the criticism which came out of that satisfaction. In the case of this Bill I see the difference in approach. Every hon. Member has spoken not with any satisfaction that a Bill has been brought forward for the protection of the tenants. That itself is an indication to the Government that there is something wrong with the Bill. A Bill which has been brought forward and which is said to be for the protection of tenants has not given satisfaction to those Members who are present here from Malabar, and who have spoken on the Bill. Not one of them has commented that this Bill is a step forward towards solving the tenancy problems of Malabar. That itself is an indication that this Bill will not

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satisfy any section of public opinion in Malabar. We must remember that tenancy reform has become the most necessary and immediate reform in all parts of this State. We must not tinker with the tenancy reform. We must take steps to decide the major and immediate task, namely, to stop evictions and reduce the rent that has so far been paid to the landlords. These are the two important factors that should be taken note of, and I find from the speeches of hon. Members from Malabar that these two conditions probably are not quite satisfactorily dealt with in this Bill. We all know the very big struggle in Malabar as in other areas to have a definite improvement in the tenants' condition. The present struggles are not of recent origin. They have been there for a long time—from the time of the national struggle for freedom. The tenants of Malabar were also part and parcel of the national movement for achieving freedom. The tenants of Malabar have laid down their lives for achieving national freedom. They expected that the national struggle which would give them freedom would also bring with it relief for the tenants of Malabar. We also remember that there was the huge Moplah rebellion. The rebellion was mainly to get rid of some of these slavish conditions under which they were working and suffering. Later we all know that the struggle developed into a bigger one and more than eight thousand odd Malabar compatriots laid down their lives to achieve a certain amount of tenancy reform and to better their conditions. Even to this day, I hear from my comrades that there are quite a number of persons behind the prison bars who have fought for the improvement of the conditions of tenants. These struggles must be taken note of when we think of the tenants' problems and try to bring forward a Bill to improve their conditions. I am afraid that none of these historical factors has been taken into consideration in preparing this Bill, which has not satisfied any section of opinion in this House, and naturally cannot satisfy any section of opinion outside this House. When we prepare a Bill for tenancy reform, I am sure that we cannot prepare a Bill which would be satisfactory both to the jenmis and also the tenants. It cannot be and it should not be. If it were to be so, I am sure that a tenants' Bill will not be the tenants' Bill. The tenants' Bill is to become law only to get more rights to the tenants than what they have now, which naturally means that the jenmis' rights will have to be curtailed. It does not matter whether it is the jenmis' rights or the rights of the middlemen. The hon. Member Mr. Raja from the other side was saying that even the jenmis were so much exploited to-day, and that to-day they were not to be condemned for all that had happened. Whether they are the jenmis or the middlemen, the jenmi system should go, because that is the system that has been responsible for so much poverty and revolt by the Malabar tenants. Hence we should take steps to abolish the jenmi system itself to give greater rights to the tenants. Let the Government take a better stand, and see that better protection is given to the tenants.

"A suggestion has been made by hon. Members from Malabar that it is better that all the Members of the Assembly from Malabar

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and the ministry sit and discuss together all aspects of the question and arrive at a certain working arrangement to improve the conditions of the tenants. After all, the number of Members from Malabar is about thirty, and it is certainly a good suggestion that they should all sit together and discuss the Bill. They may improve the Bill; if not scrap it, and produce a new Bill. I think that kind of working arrangement between the ministry and the Members of Malabar would help to bring forward a better Bill than the one under discussion. Sir, I hope the ministry would take into consideration all the suggestions that have been made in this House and give due weight to them to improve this Bill, and if that is not possible, I hope the Government would scrap this Bill and bring another in due course and very shortly."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Mr. Speaker, Sir, I need not reply regarding the points raised in respect of the sections not covered by the amending Bill. The first thing we have to consider is whether it is absolutely necessary to circulate this Bill for eliciting public opinion. It is not necessary, because, while moving the Bill, I submitted that on 15th March 1952 the old Act (Act of 1951) was put into effect. The matter has been engaging the attention of Government and the public of Malabar. Innumerable representations have been made to us. We have considered all the aspects of the question, and this Bill is the outcome of the consideration of all those things.

"Regarding the consideration of other sections, I may be permitted to state that the sections that we have now taken up are the most important sections. The sections which are not touched by this amending Bill are sections which require a more scientific examination, and considerations of principles or expediency cannot be applied here. Calculation of fair rent cannot be resorted to until we actually know the rent that is got in almost all the important places in Malabar. So, it is not possible to consider those things now. That is why the Government have not taken up those things. If hon. Members bring to the notice of the Government that it is necessary to examine them, and if the Members are prepared to give us sufficient time, we will examine each and every section of the Act, and try to see how much we can help the actual tiller. The bringing in of the amendment so early was necessitated, because there was a clamour—there was a real agitation and most of the Members here had even made representations—that the machinery for fixing fair rent must be scrapped. The Government implemented it, because it was a scientific method. Provision was made to meet the expense of this machinery from out of the budget allotment. But in spite of that, the people were afraid that it may take a long time, and the implementation of the scheme will take such a long time that it will not be of use either to the tenant or the landlord. It was also thought that maintaining records regarding the right to the properties contemplated by the Act was not necessary. We considered all these aspects, and it is because there was real agitation for cancelling that machinery that we resorted to cancel that machinery. Now we have given power

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1-20 to the Revenue Divisional Officers who are easily accessible. To
p.m. give this power to the District Munsif's Court to assess the market value of all these items will prove very costly to the tenants and it has been the agitation on the part of the tenants that it should not be entrusted to the Munsif's Courts because they will not be able to bear the cost. This agitation on the part of the tenants has been there for a long time. It is a matter connected more with Revenue. That is why this power is given to the Revenue Divisional Officer.

" I have also to make another submission. We have considered all the burning questions regarding Malabar tenancy with a view to revise the relevant provisions, if possible, by this new Bill. The two important things were the bona fide eviction and displacement of tenants from ulkudis. According to the previous Act, a tenant could be evicted by a landlord who was perhaps poorer than the former. We have now made a provision for the payment of one year's gross income to the tenant if he is to be evicted in these circumstances. We have made this provision so that it may be more impossible or difficult to displace the actual tiller and he may also in the meantime find out some other land for cultivation. Sir, when both are poor, merely because a man is branded as a landlord, we cannot refuse to show consideration to him. With regard to eviction, hon. Members will find that two conditions have to be satisfied by the landlord. One is the bona fides and the other is that he wants the property for his maintenance. Between two poor people, we cannot prefer one to the other. It is a moot question. If one is selected, the other will criticise and if the other is selected, the person excluded will criticise. Therefore, it is a very difficult problem.

" Regarding ulkudis, as the law stands at present, anybody could be turned out. We have, by this Bill, made it absolutely necessary to give three years' notice, if the landlord wants to evict the tenant. In the alternative, he has to give a similar site to him in the same village.

" Sir, there are innumerable things which we have done for the tenant in this Bill. I have made mention of them in my speech while introducing the Bill and I do not want to cover them over again. The Bill has gone further. It may be that it does not come up to the expectations of some of the hon. Members, but it is a real step forward. That is all I can say. We are open to conviction. Hon. Members can represent matters. They can convert us and at the Select Committee we can come to any compromise, any workable scheme, consistent with the Constitution and our responsibility to all sections of society.

" Sir, an attempt was made to point out that Harijans would be ejected on a large scale and that about 10,000 of them would be displaced from their holdings. It is an exaggeration. That is all I can say."

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SRI V. R. KRISHNA AYYAR :—“ On a point of order, Sir. May I know whether manuscript eloquence through and through is permitted? ”

MR. SPEAKER :—“ The Hon. Minister can refer to his notes.”

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ It is only a piece of paper on which I have noted down the points made by the hon. Members.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, written speeches are allowed. But, still he is not reading a written speech.”

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ Sir, I am a lawyer like the hon. Gentleman who made that representation. We are in the habit of looking at the records and arguing. It does not mean that we are reading out our speeches. Most of the hon. Members here remarked that the hon. Gentleman who raised this point was also reading out his speeches. (Laughter.) It would appear to a non-lawyer that the gentleman was reading from the paper. I suppose also that there is no harm in my reading out my speech. The speech I delivered while introducing the Bill was a written one. We are entitled to make written speeches.

“ I was submitting that it was made to appear that the Harijans would be ousted from ulkudis on a large scale. It is not so. As the law stands at present, they have no fixity of tenure. If there is no document or lease deed, the tenant can be asked to quit. He might be living there only on sufferance. He can be turned out at any moment. Now, we have made a provision that three years' notice is absolutely necessary and no Harijan will be turned out within that period.

“ Regarding waste lands, it was argued by many hon. Members that there were plenty of them in Malabar and that they could be taken and used for distribution among the landless poor. I have to submit that we have already made a provision for that purpose in the previous Act. Now, we are trying to evolve a machinery through which speedy distribution could be made. The population of Malabar is too much but the lands are limited. So, these limited lands will not be sufficient to satisfy the needs of most of the landless peasants.

“ I have nothing more to say except that I oppose all the amendments because we are having a detailed consideration of all the contents of the present Bill by a Joint Select Committee. All the representations made by the hon. Members and the points made by them in their speeches here have been noted and we shall try our level best to modify the provisions consistent with the needs of the people. I can only appeal to the House to give us full co-operation. It is absolutely necessary that we should extend our full co-operation to whomsoever it might be who is running the administration.

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"Certain allegations were made about the failure of the Congress in the General Elections. I can answer them, but I think it is out of place for me and it does not become of me to answer them. I can only say that it was not the tenancy question that caused the failure of the Congress. It was due to other extraneous circumstances. If I may be permitted to say so, it was only the organisational disruption that caused the failure of the Congress in Malabar. The recent elections to municipalities have demonstrated that the Congress has a hold there."

SRI M. NARAYANA KURUP :—"What about Panchayat Elections?"

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"Simply because in one place, the Socialists have won, the hon. Member thinks that in all the other places also the Socialists have won. It is not like that. I am not concerned with that and I do not want to say anything more. I may ask the hon. Member who made a reference to the failure or defeat of Sri Madhava Menon, 'What is the meaning of winning in elections?' So, I am not concerned with the result of elections. As a politician, I would ask the hon. Member not to consider this Bill in terms of elections. If he thinks of opposing the amendments to the Act in terms of elections, he will be frustrated and he will also fail in the next elections. I am not concerned with the future elections. Sir, I request that the amendments to my motion may be rejected by the House."

1-30 p.m. SRI T. C. NARAYANA NAMBIAR :—"The Hon. Minister referred to an hon. Member who said that the failure of the Congress in the election was due to the Malabar Tenancy Act. I am the fortunate Member who had said that. Even now I stand by it and I would challenge—if 'challenge' is a parliamentary word—or I would invite the Minister to contest in my constituency on this issue. It has been proved that it was due to the Malabar Tenancy Act that the Congress was defeated."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—"I may be permitted to state that I have defeated Mr. E. M. Sankaran Nambudripad, the greatest leader of the Communist Party on this issue." (Ministerial cheers.)

MR. SPEAKER :—"I shall now put the amendments to the vote of the House one by one in the following order :—

- (1) Sri K. P. Gopalan's amendment,
- (2) ,, R. Krishnan's amendment,
- (3) ,, P. K. Gopalakrishnan's amendment,
- (4) ,, T. C. Narayana Nambiar's amendment, and
- (5) ,, M. Narayana Kurup's amendment.

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[Mr. Speaker]

" The question is—

' Add at the end the following :—

" and that representations from various representatives of tenants and other organizations, oral and written, be received and the report be submitted before 31st May 1953." "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' Add at the end of the motion the words " including all Malabar M.L.A.'s and M.L.C.'s." "

The amendment was put and lost.

MR. SPEAKER : " The question is—

' That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion.' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' That the Malabar Tenancy (Amendment) Bill, 1953, be circulated for eliciting public opinion especially from the people of Malabar and from those of the parts of the Kasargode and Gudalur taluk of South Kanara and Nilgiris districts where the Malabar Tenancy Act is in operation.' "

The amendment was declared lost.

A poll was demanded and the House divided thus.

Ayes—61.

Dr. K. B. Menon.

Sri K. Moidoo.

" M. Lakshmanaswamy.

" B. Sankaraya.

" G. Bapanayya.

" P. K. Gopalakrishnan.

" K. C. Gopalan Unni.

" K. T. Raju.

" K. P. Gopalan.

" S. Vadivelu.

" V. Madanagopal.

" S. Ramalingam.

" N. Sivaraj.

" A. K. Subbiah.

" K. V. Ramaswamy.

" T. S. Ardhanari.

" P. Venkatesha Sholagar.

" D. Seetha-amiah.

" C. H. Kanaran.

" K. Madhavan Nambiar.

" R. Krishnan.

" E. T. Kunhan.

" M. Hanumantha Rao.

" C. V. K. Rao.

" K. Rajagopala Rao.

" P. Rama Rao.

" V. Rama Rao.

" M. Narayanaswamy.

" G. Anjaneyulu.

" V. Sri Krishna.

Sri D. Lakshmayya.

" G. Nageswara Rao.

" K. Ranga Rao.

" K. Subba Reddi.

" Chandra Ramalingayya.

" G. Rama Rao.

" M. Veerabhadran.

" K. Vinayakam.

" A. Senapathi Gounder.

" V. R. Krishna Ayyar.

" K. Krishna Rao.

" A. Veloo.

" Vavilala Gopalakrishnaiah.

" Lakshminarayana Reddi.

" P. Kandaswamy Gounder.

" K. R. Sambandam.

" Saka Venkata Rao.

" T. Naji Reddi.

" Bojja Appalasamy.

" D. Dasarathan.

" S. Vemiah.

" K. Gaja athi Reddi.

" S. S. Kolkebail.

" P. Kunhirama Kidav.

" T. C. Narayana Nambiar.

" W. Sankaranarayana Menon.

" K. T. Sridharan.

" M. Narayana Kurup.

" M. Narayana Nambiar.

" O. Koran.

" C. Kunhirama Kurup.

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Noes—89.

The Hon Sri C. Subramaniam.	Sri V. S. Sivaprakasam.
„ A. B. Shetty.	„ A. Ayanar.
„ M. A. Manickavelu Naicker.	„ V. Muthu.
Sri K. Rajaram.	„ A. S. Subbaraj.
„ B. B. Athavatsalu Naidu.	„ G. Govindan.
„ C. Rajam Ramaswami.	„ P. S. Krishnaswamy Ayyangar.
„ P. G. Karuthiruman.	„ Ar. A. Rm. Chakkalingam Chettiar.
„ B. K. Nallaswamy.	„ P. Chellathurai.
„ S. C. Virupakshiah	„ N. Rajagopal.
„ P. G. Manickam.	„ C. Muthiah Pillay.
„ N. Mahalingam.	„ I. K. Subramania Pillai.
„ R. Kuppuswami.	„ K. T. Kosalan.
„ P. K. Thirumurthi.	„ S. Somayajulu.
„ S. R. Arumugham.	„ P. Selvaraj.
„ K. H. Bomman.	„ R. S. Arumugham.
„ M. K. Kempai Gounder.	„ N. Chenchurama Naidu.
„ M. P. Periasami.	„ P. Gopalakrishna Reddi.
„ Ardhanareswara Gounder.	„ K. Shumugam.
The Hon. Sr. K. P. Kuttikrishnan Nair.	„ P. Venkataswami Reddi.
„ Dr. R. Nagan Gouda.	„ R. B. Sudarsana Varma.
Sri N. Ramakrishna Ayyar.	„ P. Gunayya.
„ T. N. Venkata Subba Reddi.	„ K. Suryanarayana.
„ K. Koti Reddi.	„ P. Ranga Reddi.
„ M. R. Ramachandran.	„ N. Goala Menon.
„ O. Venkatasubba Reddi.	„ A. Appu.
„ T. P. Elumalai.	„ V. C. Chudamani Deo.
„ S. Panchaksharam.	„ A. Balarama Reddi.
„ H. M. J. Ganapatham.	„ K. Adikesavalu Naidu.
„ A. Ramachandra Reddiar.	„ M. Doraikannu.
„ R. Thangavelu.	„ G. Nagabhushnam.
„ M. Kandiasami Padayachi.	„ Ijari Sirasappa.
„ L. Anandn.	„ K. Kotra Basavana Goud.
„ V. Krishnaswami Padayachi.	„ N. N. Suvarna.
„ G. Vagheesam Pillay.	„ E. K. Sankara Varma Raja.
„ A. S. Sahajanandam.	„ T. Anantha Pai.
„ O. A. Nanjappa.	„ M. Jazannathan.
„ M. Marimuthu.	„ G. Latchanna.
The Hon. Sri K. Venkataswami Naidu.	„ K. Appala Naidu.
„ N. Sankara Reddi.	„ B. Gangayya Naidu.
„ D. Sanjvayya.	„ K. V. Ramesam.
„ S. B. P. Pattabhi Rama Rao.	„ K. Venkatanarayana Dora.
Srimathi Dr. T. S. Soundaram Ramachandran.	„ M. Gangappa.
Sri M. S. Maniswamy Pillay.	„ V. K. Kannan.
„ V. S. Chinnaswami Naidu.	„ Kunhi Mohamed Shaffee.
	„ G. Samia Koorayar.

Neutral—1.

Sri K. R. Viswanathan.

Ayes: 61; Noes: 89; Neutral: 1.

The amendment was lost.

MR. SPEAKER:—"The question is—

'That the following be added at the end:—

"It shall have power to scrutinize all the sections of the principal Act." "

The amendment was put and lost.

MR. SPEAKER:—"I shall put the original motion to vote. The question is—

'That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses

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[Mr. Speaker]

consisting of 24 Members (16 Members from the Assembly and 8 from the Council) to consider the Malabar Tenancy (Amendment) Bill, 1953 and that the following Members of the Assembly be nominated as Members of the Joint Select Committee :—

The Hon. Sri K. P. Kuttikrishnan Nair,

„ C. Subramaniam,

„ M. A. Manickavelu Naicker,

Sri N. Gopala Menon,

„ A. Appu,

„ E. K. Sankaravarma Raja,

„ Y. Manjaya Shetty,

„ K. Rajaram,

„ T. N. Venkatasubba Reddi,

„ V. R. Nagarajan,

„ V. Balakrishnan,

„ C. H. Kanaran,

„ T. C. Narayana Nambiar,

„ V. R. Krishna Ayyar,

„ P. Ramamurthi,

„ K. M. Seethi.' ”

The motion was put and carried.

MR. SPEAKER :—“ The House will now adjourn and meet again at 8-30 a.m. on Saturday, 4th April 1953.”

The House then adjourned.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS